



Maura Healey, Governor  
Kimberley Driscoll, Lieutenant Governor  
Monica Tibbitts-Nutt, Secretary & CEO



### **NOTICE OF PUBLIC COMMENT PERIOD AND HEARING**

Notice is hereby given pursuant to M.G.L. c. 30A, § 2-3, that the Massachusetts Department of Transportation, ("MassDOT") will hold a supplemental hybrid **public hearing on Friday September 6, 2024 at 10:00 a.m.**, and accept **written public comment until 5:00 p.m. on September 6, 2024**, the same day, concerning the following regulatory action:

#### **Amend 700 CMR 3.00 – Control and Restriction of Billboards, Signs and Other Advertising Devices**

Pursuant to MassDOT's authority under MGL cc. 6C and 93D, St. 2009 c. 25, and Mass. Const. Amend. art. 50, the proposed amendment clarifies ambiguities about where billboards are permitted as it relates to roadway interchanges and ramps on MassDOT roadways.

Specifically, MassDOT is proposing to amend 700 CMR 3.01: Definitions by adding definitions for the following terms:

Federal Aid Primary Highway System  
Freeway Primary Highway System  
Interstate System  
Main Travelled Way  
Travelled Way

MassDOT is also proposing to amend 700 CMR 3.07: Requirements for New Permits by adding the following:

(18) No sign, including electronic, trivision or static signs, may be located adjacent to or within 500 feet of an interchange or intersection at grade, information center, or rest area on an Interstate Highway or Freeway Primary Highway, measured along the Interstate Highway or Freeway Primary Highway from the nearest point of the beginning or ending of widening of the main traveled way at the exit from or entrance to the main traveled way. This subsection 700 C.M.R. 3.07(18) does not apply in cities and towns with a population greater than 50,000.

Comments received during prior public comment hearing/periods are still valid and will be considered.

MassDOT will hold this hearing:

Remotely at: <https://us02web.zoom.us/j/88334900260>

In person at: 10 Park Plaza  
MassDOT Board Room, 2<sup>nd</sup> Floor  
Boston, Massachusetts 02116

Individuals who notify MassDOT of their intent to testify during the hearing will be afforded an earlier opportunity to speak. Speakers are strongly encouraged to notify MassDOT of their intention to testify at the hearing by emailing the address below with the subject line "Regulation Hearing Comment – Control and Restriction of Billboards, Signs and Other Advertising Devices." Written comments must be submitted by email or postal mail to the following address:

Email: [Eileen.Fenton@dot.state.ma.us](mailto:Eileen.Fenton@dot.state.ma.us)

Postal Mail: Eileen Fenton  
Managing Counsel  
MassDOT  
10 Park Plaza, Suite 3510  
Boston, Massachusetts 02116

A copy of the above-listed regulations may be obtained by request to the above address or email address.

**MassDOT may adopt a revised version of the proposed action taking into account relevant comments received and any other practical alternatives that come to its attention.**

For accommodation or language assistance requests, please contact MassDOT's Chief Diversity & Civil Rights Officer by phone at (857) 368-8580, TTD/TTY at (857) 266 0603, fax (857) 368 0602 or by email to [MassDOT.CivilRights@dot.state.ma.us](mailto:MassDOT.CivilRights@dot.state.ma.us). Requests should be made as soon as possible, ideally at least five business days before the close of the public hearing.

**Small Business Impact Statement**  
(As required by M.G.L. c. 30A §§ 2, 3 & 5)

**CMR 700 CMR 3.00: CONTROL AND RESTRICTION OF BILLBOARDS, SIGNS AND OTHER ADVERTISING DEVICES**

**Estimate of the Number of Small Businesses Impacted by the Regulation:**

We are unable to determine the exact number of small businesses impacted by the regulation. MassDOT does not have the size of each of the license holders, but they range from large companies to individuals. There are approximately 131 license holders that are licensed to engage in the business of outdoor advertising in the Commonwealth, and there are approximately 3744 active permits held by one or several of the license holders.

**Background**

Article 50 of the Amendments to the Massachusetts Constitution authorizes the regulation and restriction of outdoor advertising on public ways, and is enforceable by MassDOT through its statutory authority under G.L. c. 6C and 93D.

Separately, Massachusetts and Federal Highway Administration have a contractual agreement that, among other things, restricts where billboards may be constructed in proximity to ramps and interchanges on certain MassDOT roadways. This is referred to colloquially as the “ramp rule”. The agreement provides:

**Interstate Highways and Freeway Primary Highways:**

b.) No sign may be located adjacent to or within 500 feet of an interchange or intersection at grade, information center, or rest area measured along the interstate highway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way. This subsection (b) does not apply in cities and towns of over 50,000 population.

MassDOT is proposing this regulatory amendment, in an exercise of MassDOT’s independent constitutional and statutory authority to regulate outdoor advertising on public ways, to establish conclusively MassDOT’s position that the restrictions articulated in the agreement’s “ramp rule” apply equally to Freeway Primary Highways and to Interstate Highways.

The proposed change to the regulations adds definitions for certain terms that exist in the current regulation but are at present undefined, and adds the following language:

(18) No sign, including electronic, trivision or static signs, may be located adjacent to or within 500 feet of an interchange or intersection at grade, information center, or rest area on an Interstate Highway or Freeway Primary Highway, measured along the Interstate Highway or Freeway Primary Highway from the nearest point of the beginning or ending of widening of the main traveled way at the exit from or entrance to the main traveled way. This subsection 700 C.M.R. 3.07(18) does not apply in cities and towns with a population greater than 50,000.

**Select Yes or No and Briefly Explain**

Yes  
☐

No  
☒

Will small businesses have to create, file, or issue additional reports?

**See Background information above.**

Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to those who engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.

It is not anticipated that small businesses will have to create, file, or issue additional reports other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.

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| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | <p>Will small businesses have to implement additional recordkeeping procedures?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to those who engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.</p> <p>It is not anticipated that small businesses will have to implement additional recordkeeping procedures other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.</p>  |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | <p>Will small businesses have to provide additional administrative oversight?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to those who engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.</p> <p>It is not anticipated that small businesses will have to provide additional administrative oversight other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.</p>  |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | <p>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to those who engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.</p> <p>It is not anticipated that small businesses will have to hire additional employees in order to comply with the proposed regulation, other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.</p> |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | <p>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to those who engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.</p>   |

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|  |   | It is not anticipated that small businesses will have to hire other professionals (e.g. a lawyer, accountant, engineer, etc.) in order to comply with the proposed regulation, other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.   |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | <p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to those who engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.</p> <p>It is not anticipated that small businesses will have to purchase a product or make any other capital investments to comply with the proposed regulation, other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.</p>   |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | <p>Are performance standards more appropriate than design or operational standards to accomplish the regulatory objective?<br/>(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.)</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to those who engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.</p> <p>Because all of the standards are currently contained in regulation, it is not anticipated that small businesses will have added difficulty complying with the proposed regulation, other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.</p> |
| Yes<br><input type="checkbox"/>            | No<br><input checked="" type="checkbox"/> | <p>Do any other regulations duplicate or conflict with the proposed regulation?</p> <p>Massachusetts and Federal Highway Administration have a longstanding agreement that, among other things, restricts where billboards may be constructed in proximity to ramps and interchanges on certain MassDOT roadways (referred to colloquially as the “ramp rule”). This agreement is not a regulation, nor does it conflict with the proposed regulation.</p> <p>MassDOT is proposing this regulatory amendment, in an exercise of MassDOT’s independent constitutional and statutory authority to regulate outdoor advertising on public ways, to establish conclusively MassDOT’s position that the restrictions articulated in the agreement’s “ramp rule” apply equally to Freeway Primary Highways and to Interstate Highways</p>  |
| Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/>            | Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?   |

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|                                 |   | <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to those who engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.</p> <p>The existing regulations require those who engage in the business of outdoor advertising to cooperate with audits, inspections or other regulatory enforcement activities / requirements. It is not anticipated that small businesses will have additional requirements to cooperate with audits, inspections or other regulatory enforcement activities, other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.</p>                  |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | <p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to those who engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.</p> <p>It is not anticipated that small businesses will have to provide educational services to keep up to date with regulatory requirements, other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway. The same requirements will apply to Freeway Primary Highways.</p>                                  |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | <p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions for those who engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.</p> <p>The proposed regulation amendment is neutral in this regard. It is not anticipated that the regulation will deter or encourage the formation of small businesses in Massachusetts. The proposed amendment would apply and establish conclusively that the requirements, processes, and restrictions relative to the “ramp rule”, that currently apply to Interstate Highways also apply to Freeway Primary Highways.</p> |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | <p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions for those who engage in the business of outdoor advertising in the Commonwealth. The proposed amendment would apply and establish conclusively that the requirements, processes, and restrictions relative to the “ramp rule”, that currently apply to Interstate Highways also apply to Freeway Primary Highways.</p>   |

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|   |   | <p>The proposed regulation amendment is neutral in this regard. It is not anticipated that the regulation will deter or encourage the formation of small businesses in Massachusetts. The amendment applies and establishes conclusively that requirements, processes, and restrictions relative to the “ramp rule”, that currently apply to Interstate Highways also apply to Freeway Primary Highways.</p>  |
| <p>Yes<br/><input type="checkbox"/></p> | <p>No<br/><input checked="" type="checkbox"/></p> | <p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to anyone, regardless of size, who engages in the business of outdoor advertising in the Commonwealth. The proposed amendment applies and establishes conclusively that those requirements, processes, and restrictions relative to the “ramp rule”, that currently apply to Interstate Highways, also apply to Freeway Primary Highways.</p> <p>It is not anticipated that small businesses will have difficulty complying with the regulation requirements including reporting requirements, as they are similar to what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.</p>   |
| <p>Yes<br/><input type="checkbox"/></p> | <p>No<br/><input checked="" type="checkbox"/></p> | <p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to anyone, regardless of size, who wishes to engage in the business of outdoor advertising in the Commonwealth. The proposed change would establish conclusively and apply the same requirements for constructing a billboard within 500 feet of an interchange/ramp/intersection on an Interstate Highway to Freeway Primary Highways.</p> <p>It is not anticipated that small businesses will have to modify any of their existing practices or require less stringent schedules or deadlines to comply with the regulatory requirements, as they are similar to what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.</p>   |
| <p>Yes<br/><input type="checkbox"/></p> | <p>No<br/><input checked="" type="checkbox"/></p> | <p>Did the agency consolidate or simplify compliance or reporting requirements for small businesses?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, and restrictions that apply to anyone, regardless of size, who wishes to engage in the business of outdoor advertising in the Commonwealth. The proposed amendment applies and establishes conclusively that those requirements, processes, and restrictions relative to the “ramp rule”, that currently apply to Interstate Highways also apply to Freeway Primary Highways.</p> <p>It is not anticipated that small businesses will have to modify any of their existing practices to comply with the regulatory requirements, other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway.</p> <p>Although not applicable to this proposed amendment, the existing regulations have a different fee requirement based on the number of permits a licensee has, and a different fee based on the size of a billboard.</p> |



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| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | <p>Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, restrictions, and performance standards evenly apply to anyone, regardless of size, who engages in the business of outdoor advertising in the Commonwealth. The proposed amendment applies and establishes conclusively that those requirements, processes, restrictions, and performance standards relative to the “ramp rule”, that currently apply to Interstate Highways, also apply to Freeway Primary Highways.</p> <p>It is not anticipated that small businesses will have additional challenges or will have to modify any of their existing practices to comply with the regulatory requirements, other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway. Performance, design or operational standards are contained in the existing regulation and do not hinder the delivery of the regulatory objective which is compliance with state and federal law and effective control of outdoor advertising.</p> |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | <p>Are there alternative regulatory methods that would minimize the adverse impact on small businesses?</p> <p><b>See Background information above.</b></p> <p>Existing regulations provide the administrative and operational requirements, processes, restrictions, and regulatory methods that evenly apply to anyone, regardless of size, who wishes to engage in the business of outdoor advertising in the Commonwealth. The proposed amendment applies and establishes conclusively that those requirements, processes, restrictions, and regulatory methods relative to the “ramp rule”, that currently apply to Interstate Highways, also apply to Freeway Primary Highways.</p> <p>It is not anticipated that small businesses will have additional challenges or will have to modify any of their existing practices to comply with the regulatory requirements, other than what is currently required for permitting a billboard within 500 feet of a ramp or interchange on an Interstate Highway</p> <p>Although not applicable to this proposed amendment, the existing regulations have a different fee requirement based on the number of permits a licensee has, and a different fee based on the size of a billboard.</p>  |