How and Why do we make Revisions to State and Federal Agreements?

Background for Session – Clyde B. Johnson, SR/WA, R/W-URAC, R/W-RAC
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Highway Beautification Program
Outdoor Advertising Control
Process for Amendment of State/Federal Agreements

In keeping with the congressional intent that the Federal/State outdoor advertising agreements reflect a negotiated position reflecting customary use in each State while preserving the intent and purpose of Federal law, as is not the general policy of the FHWA to amend such agreements.

Recent history shows that for various reasons, certain States have either requested, or discussed with the FHWA, possible agreement amendments. In order to properly assess the impact of such requests and to remain consistent with the open dialogue which occurred at the time of original agreement negotiation, a two-stage evaluation process is recommended:

A. Conceptual Evaluation/Approval

1. The FHWA submits the amendment proposal in writing with full documentation concerning its effects and impact to FHWA Washington. This should include the concept of the amendment, effect of the amendment, and reasons for the amendment. Both Division and Region review and comment on the proposed amendment in this conceptual stage.

2. After review and discussion, including possible field review, the FHWA decides on the concept of the proposed change and notifies the State. If the decision is to reject the proposal, the State could otherwise extend further discussion of the proposal as an amendment, as well as use the usual channels available to it for appeal.

B. Final Evaluation/Approval

1. If the proposal concept is approved, the State is then responsible to fully document information on the proposed change throughout the State in accordance with the State governing administrative procedures rules. This includes certification of the proposed change, effect of the proposed changes, reasons for the proposed change, and the opportunity for all persons to comment. This should also include the opportunity for public hearing(s) in the State.

2. The State then assesses the comments received and renders the decision whether or not to submit a formal agreement amendment proposal. If such is the case, the full documentation, records of the hearing(s), and public comments, as well as the assessment of

Impact, are included in the submission.

3. Upon receipt, the FHWA will publish the proposal agreement amendment, proposed impact, and State justification in the Federal Register for comment.

4. Comments received will be evaluated along with the State’s proposal and background submitted.

5. The decision on the proposal will be announced to the FHWA to the State and through the Federal Register simultaneously. If approved, the executed agreement will be forwarded to the State.