Regulation of Nonconforming Signs

Background for Session – Clyde B. Johnson, SR/WA, R/W-URAC, R/W-RAC
1. Nonconforming signs were to be removed within 5-years.

2. No requirement to remove unless funds made available.


4. New technology – “Especially” digital?

5. Vegetation issues.
HBA in section (d) – “In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary”. NO MENTION OF REASONABLE REPAIR AND MAINTENANCE OF NONCONFORMING SIGNS IN THE HBA!

23 Code of Federal Regulation (CFR) § 750.707 – Nonconforming signs. (d) Maintenance and continuance. (5) “Each State shall develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights.”

Also, (i) Each state shall develop criteria to define destruction, abandonment and discontinuance. - Many states have NOT developed criteria as required. §750.705(j) give FHWA right and authority to determine if definitions are reasonable.
New technology – Wind turbines to Nonconforming Signs
New Technology – Solar panels
Is this Nonconforming sign Destroyed