Where Do We Need To Regulate – (Jurisdictional Highways)

Background for Session – Clyde B. Johnson, SR/WA, R/W-URAC, R/W-RAC
23 U.S.C. 131 (t) Primary System Defined


(t) PRIMARY SYSTEM DEFINED – For purposes of this section, the terms “primary system” and “Federal-aid primary system” means the Federal-aid primary system in existence on June 1, 1991, and any highway system which is not on such system but which is on the National Highway System.
Control Routes that exist as of June 1, 1991 will remain subject to control regardless of any subsequent change in its functional classification.

Outdoor Advertising Control - Texas
SEP 11 1992

Chief, Program Requirements Division
Washington, D.C. 20590

Mr. Wesley S. Mendham, Jr.
Regional Federal Highway Administrator (RHP-06)
Fort Worth, Texas

This is in reply to Mr. Peter A. Lombard's August 20 memorandum on the above subject. Attached was a request from the Texas Division for guidance on two outdoor advertising questions raised by the Texas Department of Transportation. The questions involved changes in the designated primary highway system and farm and ranch signs.

Concerning the first question; any highway which was on the Federal-aid primary (FAP) system as of June 1, 1991, will remain subject to control regardless of any subsequent change in its functional classification. Of course, the Interstate System remains subject to control. Further, following Congressional approval of the designated National Highway System (NHS), any highway which is not on either of the foregoing but which is part of the approved NHS will also be subject to control. However, for purposes of outdoor advertising control, we are not recognizing the NHS until it is approved by Congress. Following approval of the NHS there will be highways, or sections of highways, not on the NHS that will still be subject to control because they were on the FAP as of June 1, 1991. State law must be sufficient to maintain effective control of outdoor advertising under 23 U.S.C. 131.

The question regarding farm and ranch signs was answered by our memorandum of June 8, 1992. Our position on these signs has not changed. However, because the FHWA is contemplating amending the Federal regulations in the near future consistent with the Federal law, and these signs are not illegal under State law, but rather are allowed under State rules, the State may consider deferring the removal of these signs pending completion of our review of the Federal regulations.

F. D. Luckow

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