

*2016 AASHTO Right of Way,
Utilities, Outdoor Advertising Control
& National Alliance of Highway
Beautification Associations Conference*



Sunday, May 1–Thursday, May 5
Rosen Centre Hotel
Orlando, Florida



AASHTO TECHNICAL COUNCIL ON OUTDOOR ADVERTISING CONTROL

Jim Spalla, FLDOT, Chair

Barbara Wessinger, SCDOT, Co-Chair

May 2016

WHO ARE WE AND WHY IS IT IMPORTANT FOR YOU TO KNOW

- Committee Name: SCORWUOAC-Technical Council on Outdoor Advertising Control
- RESOLUTION
- MEMBERS
- MISSION
- OBJECTIVES
- LIST OF GOALS
- 2015 AGENDA ITEMS

HOW WERE WE FORMED?

- RESOLUTION APPROVED BY THE AASHTO BOARD OF DIRECTORS - May 20, 2012
- Amendment to the AASHTO Governing Documents AGD-1-12
- Title: Modification to Charge Statement for the Subcommittee on Right of Way and Utilities to Include Outdoor Advertising Membership and Name Change of the Committee

RESOLUTION

- WHEREAS, The regulatory control of outdoor advertising along the national interstate and primary system is provided for by the Federal Highway Beautification Act (HBA) and administered by the Federal Highway Administration; and
- WHEREAS, The AASHTO member state departments of transportation are delegated the responsibility to enforce the controls established by the HBA and which delegation is memorialized in individual state- federal agreements; and
- WHEREAS, Failure to effectively control the display of outdoor advertising in accordance with the provisions of the HBA is punishable by the consequential loss of up to 10% of federal transportation funding; and
- WHEREAS, There is no current AASHTO Standing Committee or Subcommittee to represent the issues and facilitate professional dialog associated with outdoor advertising control among member DOT's, FHWA regulators and the regulated industry; and
- WHEREAS, A majority of the 48 member state DOT's that do not prohibit (four member departments prohibit) Outdoor Advertising (OA) assign outdoor advertising control to the right of way function; now therefore be it
- RESOLVED, That the AASHTO Governing Documents be amended to expand membership of the Right of Way and Utilities Subcommittee (SCORWU) to include the highest ranking position responsible for regulatory control of OA and to provide a forum for collaboration among AASHTO members on the issues of policy and practice for the effective regulatory control of OA in accordance with the provisions of the Federal Highway Beautification Act; and be it further
- RESOLVED, That the AASHTO Board of Directors accordingly re-designate the Highways Subcommittee on Right of Way and Utilities as the Highways Subcommittee on Right of Way, Utilities, and Outdoor Advertising Control.
- APPROVED BY THE AASHTO BOARD OF DIRECTORS - May 20, 2012

WHO ARE WE?

Technical Council Members – by appointment of the State ROW Directors or Technical Council Chair

- Spalla, Jim - Jim.Spalla@dot.state.fl.us - FLDOT - Chair - Voting
- Wessinger, Barbara - wessingebm@scdot.org - SCDOT - Co-Chair - Voting
- Rothblatt, Evan - erothblatt@ashto.org - AASHTO- Liaison - None
- Hughes, Juanice - Juanice.hughes@dot.state.fl.us – FLDOT - Member - None
- Jessee, Robert A - robert.jessee@dot.state.fl.us - FLDOT - Member - Voting
- Wright, Bill - wwright@dot.ga.gov - GADOT- Member - Voting
- DeLong, Matthew W. - delongm@michigan.gov - MIDOT - Member - Voting
- White, Kristin - kristin.white@state.mn.us - MNDOT - Member - Voting
- Hendrickson, Jill M - jill.m.hendrickson@odot.state.or.us - ORDOT-Member-Voting
- Knox, Wendy - wendy.knox@txdot.gov - TXDOT - Member - None
- Johnson, Ron M - ron.m.johnson@txdot.gov - TXDOT - Member - Voting
- McMillan, Lyle D. - lmcmillan@utah.gov - UTDOT - Member - Voting

WHAT IS OUR MISSION?

- Mission: To represent the issues and facilitate professional dialog associated with Outdoor Advertising Control matter among members of DOT's, FHWA, and the regulated industry, by the highest ranking position responsible for regulatory control of Outdoor Advertising Control and to provide a forum for collaboration among AASHTO members on the issues of policy and practice for the effective regulatory control of Outdoor Advertising in accordance with the provisions of the Federal Highway Beautification Act.

WHAT ARE OUR OBJECTIVES?

- Objectives: (1) Review, develop, and recommend AASHTO positions, guides, policies, and standards pertaining to Outdoor Advertising Control issues for consideration to the AASHTO Highway Subcommittee on Right of Way, Utilities and Outdoor Advertising Control; (2) Provide a focal point and working group to develop guidelines for effective outdoor advertising control regulation based on systematic approaches of managing outdoor advertising activities and resources including time, funds, and personnel; and (3) To establish and maintain policy to assist states in the development of state Outdoor Advertising Control programs, ensure integrity and uniformity of outdoor advertising control practices, promote Outdoor Advertising Control innovation, and disseminate information to the Outdoor Advertising Control regulators.

LIST OF GOALS

- 14 outdoor advertising control issues identified
- Of the 14 issues, 10 were identified and worked on by Clyde Johnson in 2002
 - Clyde Johnson recommended that FHWA should draft an Advance Notice of Proposed Rulemaking (ANPRM). Six FHWA staff teams identified with him a list of 10 areas of concern
- The other 4 items were identified several years ago by the NAHBA standing committees.

ANPRM ISSUES IDENTIFIED BY FHWA

- 1. Comprehensive Zoning
- 2. Unzoned Commercial/industrial areas
- 3. New technology
- 4. Should the bonus program be retired
- 5. Acquisition of outdoor advertising signs
- 6. Nonconforming signs-removal when impacted by highway project
- 7. Advertising within the Right of Way
- 8. On-premise/ stadium signs
- 9. Clean up regulations – redundant language
- 10. Revise junkyard control policy

NAHBA STANDING COMMITTEES ISSUES

- 1. Urban/rural and jurisdictional areas
- 2. Federal /State Agreement
- 3. Nonconforming signs
- 4. Determination of land use

2015 TECH COUNCIL AGENDA GOALS

- OAC Technical Council reviewed list of 14 issues and prioritized them
- 2 issues were selected to pursue in 2015
 - A. NCHRP 20-7 PROPOSAL
 - B. PILOT PROJECT – MOVING OF NONCONFORMING SIGNS WHEN IMPACTED BY HIGHWAY PROJECTS

NCHRP 20-7 PROPOSAL

- **TITLE:** Establishment of Effective Control Factors to Achieve Federal Enforcement Consistency with the Highway Beautification Act (HBA)
- **BACKGROUND/NEEDS STATEMENT:** The Federal Outdoor Advertising Control (OAC) Program is a 1965 federal program mandating all states to effectively control signs adjacent to regulated federally-aided routes. Despite this federal requirement, the federal OAC program is fraught with inconsistencies. States have different determinations of what is outside the urban areas, definition of visibility varies, and the standards for reading a sign from the travelled way are inconsistent between the state OAC federal programs.

- **RESEARCH OBJECTIVES:** Identify the state outdoor advertising control factors utilized to measure effective control of outdoor advertising. Identification should concentrate on critical programmatic areas to obtain a baseline control measure for each state. These critical programmatic areas include:
 - (a) OAC permitting process;
 - (b) removal of signs;
 - (c) inventory of signs;
 - (d) peer reviews;
 - (e) practices on penalizing the erection of illegal signs adjacent to regulated routes; and
 - (f) urban and outside urban areas and jurisdiction of local governments.

- **WORK TASKS:** Tasks anticipated in this project include the following:
 - Collect data on state law for control, enforcement measures, and methodology /processes of state OAC program,
 - Collect data on urban and outside urban area designations
 - Collect data on local government control of OAC within the states
 - Collect data on the administration of the OAC program by State DOT and any duplicative administrative oversight by local governments on the same OA signs or regulatory routes.
 - Data collection should identify methods adopted by the states for administration and control of the program, including definitions of OA terms, inventory control measures, monitoring methods, permitting processes, removal and revocation processes, illegal sign penalty enforcement processes
 - Provide a narrative report with well-organized tables relating to finding on the information above.
- **FUNDING REQUESTED AND TIME REQUIRED:** It is estimated that this research will take 11 months to complete and will required \$95,000.00 funding.

PILOT PROJECT

- **TITLE:** Movement Of Nonconforming Signs Impacted By Department Of Transportation Projects
- **SUMMARY:** FLDOT and SCDOT are proposing a Pilot Program (Pilot) in the Outdoor Advertising Control (OAC) Program to test the concept for the relocation of certain nonconforming signs impacted by state highway improvement projects to a lateral position in an effort to limit or reduce acquisition costs and construction time. The signs impacted by the transportation project and relocated will remain substantially the same in accordance with federal regulations. The Pilot does not change the status of the sign as nonconforming.

- **EXPERIMENTAL PROJECT:** The Pilot falls within the category of SEP 15 – Special Experimental Project to identify impediments in current laws, regulations, and practices to the greater use of transportation improvements and to develop procedures and approaches that address these impediments.
- **SELECTED HIGHWAYS:** The Pilot corridors will be selected from each States five-year work program (State Transportation Improvement Plans or equivalent planning document) and the data to support the Pilot can be systematically acquired.

QUESTIONS?



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