

Preparing for an Outdoor Advertising Process Review by FHWA

What Does FHWA Expect from Me?



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U.S. Department of Transportation
Federal Highway Administration

WHAT TO EXPECT TODAY

- What are our goals?
- Who's Responsible?
- Define Effective Control
- Methods for Achieving Effective Control
- Why Conduct a Process Review
- How to Prepare for a Process Review
- Key Components of a Process Review
- After Effects of a Process Review
- Partnership is the Key



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GOALS

- Goals of FHWA
 - HBA compliance
- Goals of the State DOTs
 - Manage lawful program
 - Avoid scrutiny
 - Avoid any repercussions
- Dawn's Goals
 - Partnership
 - Common sense



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GOALS



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WHO'S RESPONSIBLE?

FHWA

- FHWA is responsible to interpret legislation and make effective decisions in support of Outdoor Advertising Control (OAC)
- FHWA provides oversight of state programs to ensure the effective control minimums as set out in the Highway Beautification Act (HBA) are being satisfied



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WHO'S RESPONSIBLE?

State DOTs

- State DOTs are responsible for administering their OAC program to demonstrate they have effective control



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EFFECTIVE CONTROL

23 U.S.C. 131(b) (in part)

- Federal-aid highway funds apportioned...shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State...until such time as such State shall provide for such effective control.
- Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States.

EFFECTIVE CONTROL

References

- 23 U.S.C. 131
- 23 CFR 750
- Federal/State Agreements
- FHWA Guidance and Memorandums
- State Laws and Regulations
- StateDOT Manuals
- StateDOT Policies



EFFECTIVE CONTROL

23 U.S.C. 131(c)

(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way, shall, pursuant to this section be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, (3) signs, displays, and devices, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section, and (5) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term “free coffee” shall include coffee for which a donation may be made, but is not required.



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EFFECTIVE CONTROL

23 U.S.C. 131(c)

- Defines Control Areas
 - Located within 660 feet of the right of way (for urban areas)
 - Located beyond 660 feet and visible from the main traveled way (rural areas)
- Identifies Types of Signs
 - Directional and official signs and notices
 - For sale or for lease signs
 - On-premise signs
 - Landmark Signs
 - Free coffee signs



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EFFECTIVE CONTROL

23 CFR 750.705 Effective control.

In order to provide effective control of outdoor advertising, the State must: (a) Prohibit the erection of new signs other than those which fall under §750.704(a)(1) through (6); (b) Assure that signs erected under §750.704(a)(4) and (5) comply, at a minimum, with size, lighting, and spacing criteria contained in the agreement between the Secretary and the State; (c) Assure that signs erected under §750.704(a)(1) comply with the national standards contained in subpart B, part 750, chapter I, 23 CFR; (d) Remove illegal signs expeditiously; (e) Remove nonconforming signs with just compensation within the time period set by 23 U.S.C. 131 (subpart D, part 750, chapter I, 23 CFR, sets forth policies for the acquisition and compensation for such signs); (f) Assure that signs erected under §750.704(a)(6) comply with §750.710, Landmark Signs, if landmark signs are allowed; (g) Establish criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way of an Interstate or primary highway, except where State law makes such criteria unnecessary. Where a sign is erected with the purpose of its message being read from two or more highways, one or more of which is a controlled highway, the more stringent of applicable control requirements will apply; (h) Develop laws, regulations, and procedures to accomplish the requirements of this subpart; (i) Establish enforcement procedures sufficient to discover illegally erected or maintained signs shortly after such occurrence and cause their prompt removal; and (j) Submit regulations and enforcement procedures to FHWA for approval.



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EFFECTIVE CONTROL

23 CFR 750.705 Effective control.

(a) Prohibit the erection of new signs other than those which fall under §750.704(a)(1) through (6)

- Directional and official signs and notices
- For sale or for lease signs
- On-premise signs
- Signs within 660 feet of the nearest edge of the right-of-way on controlled routes that are zoned industrial or commercial
- Signs within 660 feet of the nearest edge of the right-of-way on controlled routes which are unzoned but used as commercial or industrial areas
- Landmark Signs



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EFFECTIVE CONTROL

23 CFR 750.705 Effective control.

(b) Assure that signs erected under §750.704(a)(4) and (5)

- Signs within 660 feet of the nearest edge of the right-of-way on controlled routes that are zoned industrial or commercial
- Signs within 660 feet of the nearest edge of the right-of-way on controlled routes which are unzoned but used as commercial or industrial areas

comply, at a minimum, with size, lighting, and spacing criteria contained in the agreement between the Secretary and the State

- Federal/State Agreement



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EFFECTIVE CONTROL

23 CFR 750.705 Effective control.

(c) Assure that signs erected under §750.704(a)(1)

- Directional and official signs and notices

comply with the national standards contained in subpart B, part 750, chapter I, 23 CFR

- official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.



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EFFECTIVE CONTROL

23 CFR 750.705 Effective control.

(d) Remove illegal signs expeditiously

- Owners have 90 days; otherwise State DOT's responsibility

(e) Remove nonconforming signs with just compensation within the time period set by 23 U.S.C. 131

- Lawfully in existence along Interstate System or the Federal-aid primary system on September 1, 1965 but does not conform to this section
 - Shall not be required to be removed until July 1, 1970
 - Others that do not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming

EFFECTIVE CONTROL

23 CFR 750.705 Effective control.

(f) Assure that signs erected under §750.704(a)(6)

- Signs lawfully in existence on October 22, 1965

comply with §750.710, Landmark Signs

- Permits the existence of signs lawfully in existence on October 22, 1965
 - Determined by the State
 - Subject to the approval of the Secretary
- States electing to permit landmark signs shall submit a one-time list to FHWA for approval.
 - The list should identify each sign as being in the original 1966 inventory
- Reasonable maintenance, repair, and restoration of a landmark sign is permitted
- Substantial change in size, lighting, or message content will terminate its exempt status



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EFFECTIVE CONTROL

23 CFR 750.705 Effective control.

(g) Establish criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way of an Interstate or primary highway, except where State law makes such criteria unnecessary. Where a sign is erected with the purpose of its message being read from two or more highways, one or more of which is a controlled highway, the more stringent of applicable control requirements will apply.



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EFFECTIVE CONTROL

23 CFR 750.705 Effective control.

(h) Develop laws, regulations, and procedures to accomplish the requirements of this subpart



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EFFECTIVE CONTROL

23 CFR 750.705 Effective control.

(i) Establish enforcement procedures sufficient to discover illegally erected or maintained signs shortly after such occurrence and cause their prompt removal



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EFFECTIVE CONTROL

23 CFR 750.705 Effective control.

(j) Submit regulations and enforcement procedures to FHWA for approval.



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METHODS FOR ACHIEVING EFFECTIVE CONTROL

Inventory

Permits

Other?



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WHY CONDUCT A PROCESS REVIEW

To ensure the State Highway Department is maintaining effective control of all outdoor advertising activities within that state in accordance with the federal laws and regulations, the Federal/State Agreement as well as state laws, regulations, policies and procedures.

HOW TO PREPARE FOR A PROCESS REVIEW

Select the OAC review team

Decide what type of review

Decide goals of the review

Set review schedule

Ensure each member is provided essential information



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KEY COMPONENTS OF A PROCESS REVIEW

Pre-organization

Actual Field review

Writing the report

Follow up with the continuance of good practices
and resolving findings or deficiencies

Information sharing



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AFTER EFFECTS OF A PROCESS REVIEW

Get over “we have always done it this way” hurdle

May be asked to reach out to other StateDOTs

May have to alter program

May have special interest groups be more interested
in your program

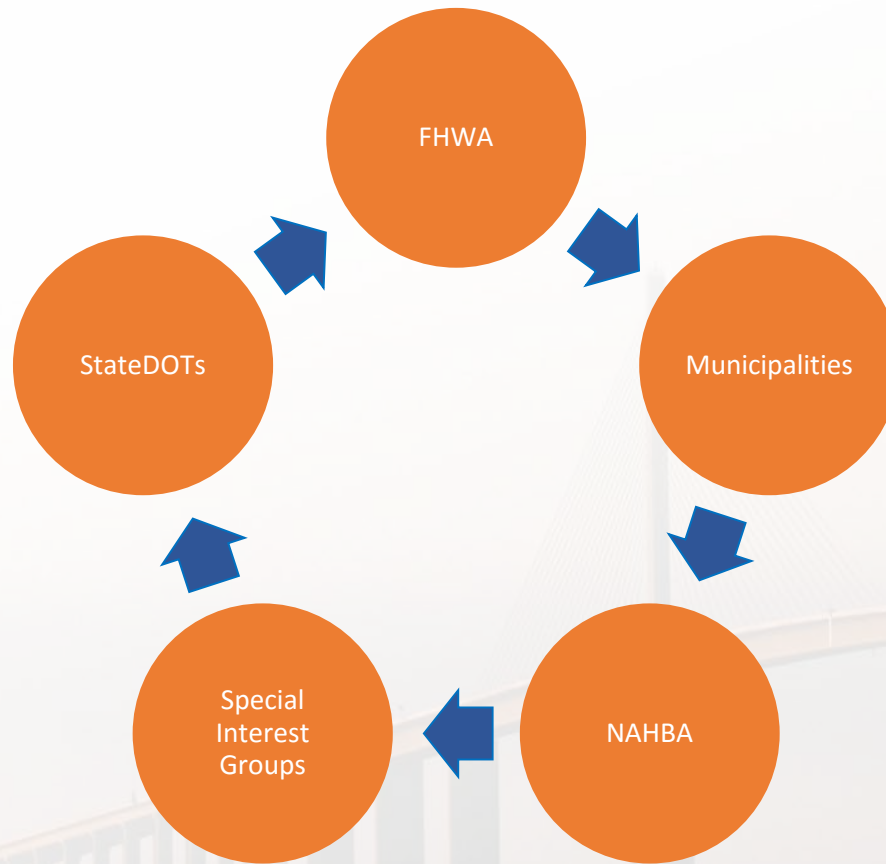
May have to train staff or managers

May have more communication with FHWA



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PARTNERSHIP IS THE KEY



QUESTIONS



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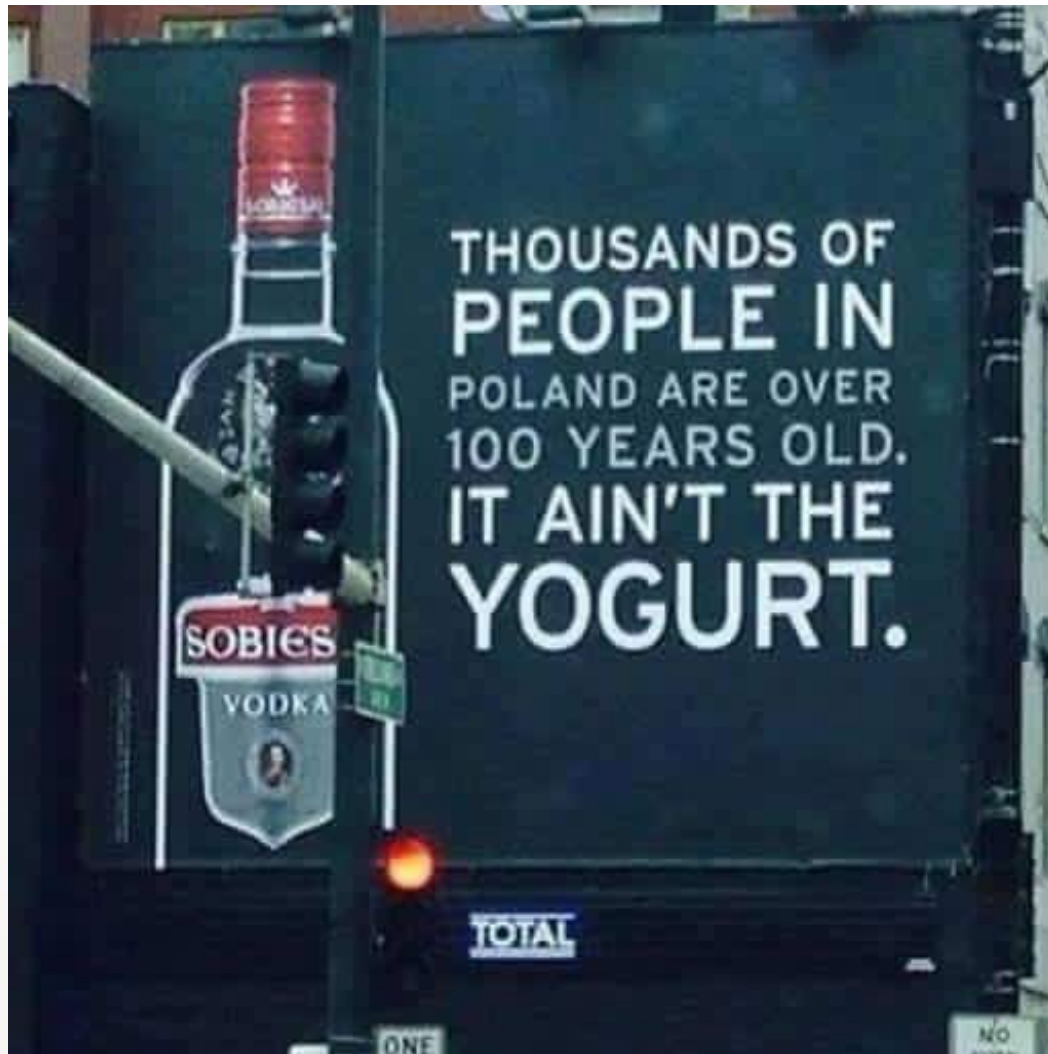
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