2016 National Alliance of Highway Beautification Agencies Conference

FHWA Update

Presented by:
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Federal Highway Administration
Office of Real Estate Services

U.S. Department of Transportation
Federal Highway Administration
FAST Act
FAST Act

Fixing America’s Surface Transportation (FAST) Act

Signed into law by President Obama on Dec 4, 2015

Provides long-term funding certainty
SEC. 1425. SERVICE CLUB, CHARITABLE ASSOCIATION, OR RELIGIOUS SERVICE SIGNS.

Notwithstanding section 131 of title 23, United States Code, and part 750 of title 23, Code of Federal Regulations (or successor regulations), if a State notifies the Federal Highway Administration, the State may allow the maintenance of a sign of a service club, charitable association, or religious service organization—

(1) that exists on the date of enactment of this Act (or was removed in the 3-year period ending on such date of enactment); and

(2) the area of which is less than or equal to 32 square feet.
FAST Act

23 CFR 750.153(p) – 8 sq ft size limit remains

FAST Act allows service club signs and religious notices up to 32 sq ft if the signs:

- Were in existence as of December 4, 2015
- OR
- Were removed between December 4, 2012–December 4, 2015

If removed prior to December 4, 2012, 8 sq ft limit still applies

If erected after December 4, 2015, 8 sq ft limit still applies

Notify FHWA
FAST Act

8 square feet

32 square feet
FAST Act

If removed prior to December 4, 2012

Can be re-erected in accordance with SDOT’s procedures with a maximum size of 8 square feet
FAST Act

If in existence as of December 4, 2015

Maximum size of 32 square feet
FAST Act

If removed between December 4, 2012 – December 4, 2015

Can be re-erected in accordance with SDOT’s procedures with a maximum size of 32 square feet
The FAST Act

If in existence after December 4, 2015 or newly erected

Maximum size of 8 square feet
FAST Act

FHWA FAST Act website:

https://www.fhwa.dot.gov/fastact/
Questions
Directional and Official Signs and Notices

Directional and official signs and notices includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.
Directional and Official Signs

Which signs are these?

• Official signs and notices
  • Have a purposes of carrying out an official duty or responsibility and erected and maintained by public officers or agencies.

• Historical markers
Directional and Official Signs

Which signs are these?

- Public utility signs
Directional and Official Signs

What signs are these?

- Service Club and Religious Notices
  - Relating to the meetings of
    - Nonprofit service clubs
    - Nonprofit charitable associations
    - Religious services
Directional and Official Signs

Which signs are these?

• **Public Service Signs**
  • Signs located on school bus stop shelters
    • Identify the donor, sponsor, or contributor of said shelters
    • Contain public service messages (must be at least 50% of sign)
    • Contain no other message
    • Located on school bus shelters authorized/approved by city, county, or State law, regulation, or ordinance
    • Located where approved by the city, county, or State agency controlling the highway involved
    • No more than 32 square feet
    • Not more than one sign on each shelter shall face in any one direction.
Directional and Official Signs

Protect the ones you love. BUCKLE UP
Miller & Miller Insurance
Circleville/Comm Plt

2016 AASHTO ROWUOAC & NAHBA Conference
Directional and Official Signs
Directional and Official Signs

Which signs are these?

- Directional signs
  - Directional information
    - Public places owned or operated by Federal, State, or local governments or agencies
    - Publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites
    - Areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.
Directional and Official Signs
Directional and Official Signs

- No illegal activities
- Not erected upon trees, rocks or other natural features
- 150 sq ft max area, 20 sq ft max height and length
  - Except service club and religious notices
- Can be illuminated
  - No flashing, moving, imitating or interfering with a traffic control device, no beams/rays distracting traffic
- Not within 2,000 ft of intersection, interchange, rest area, park or scenic area
- No 2 signs facing the same direction can be less than 1 mile apart
- No more than 3 signs pertaining to the same facing same direction of travel along a single route
- Interstate – 75 air miles of activity
- Primary system – 50 miles air miles
Directional and Official Signs

• Message content
  • Identify attraction or activity
  • Directional information useful to the traveler
    • Mileage
    • Route number
    • Exit number
  • Not allowed
    • Descriptive words or phrases
    • Pictorial or photographic representations of activity or environs

• Selection criteria
  • Must be nationally or regionally known
  • Of outstanding interest to the traveling public
Questions
Pending Lawsuit

SCENIC AMERICA, INC.,
Plaintiff-Appellant,
v.
UNITED STATES DEPARTMENT OF TRANSPORTATION, et al.,
Defendants-Appellees,
and
OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC.,
Intervenor-Appellee
Rest Areas
Rest Areas

23 U.S.C. 111 as amended by MAP-21 Section 1539(b)(2)(A) allows commercial advertising and media displays if such advertising and displays are:

(i) exhibited solely within any facility constructed in a rest area

AND

(ii) not legible from the main traveled way
Rest Areas
Rest Areas
Questions
Toll Booths
Toll Booths
Questions
Street Furniture
HBA Jurisdiction
HBA Jurisdiction
HBA Jurisdiction
Questions
FAP 9/1/91 Mapping Project
FAP 9/1/91 Mapping Project

http://hepgis fhwa dot gov/hepgismaps17
FAP 9/1/91 Mapping Project
Questions
Reed vs Gilbert

Reed ET AL. v. Town of Gilbert, Arizona, ET AL

Reed vs Gilbert
Reed vs Gilbert
On-Premise Guidance

Guidance – clarification of on-property or on-premise advertising issued on August 11, 2015

23 U.S.C. 131(c)(3) and 23 CFR 750.709

Key phrase – “advertising activities conducted on the premises”
On-Premise Guidance

Located on the property or premise

AND

Advertises the activity conducted on the property

State must enact laws or promulgate regulations that contain criteria for determining which signs are considered on-premise
On-Premise Guidance

Advertises the activity conducted on the property:

- Name of establishment
- List of principal business or accessory products for sale and actually sold at the business on that site
- Identification of the services offered and sold on the property the sign is located on
On-Premise Guidance

Not considered on-premise advertising:

- Signs on contiguous property (but only connected by a long narrow property interest) but located far from the activity
- Signs that principally or mainly consists if advertising something that is incidental to the principal activity
- Signs that brings in rental income
Questions
SEX!!
NOW THAT WE HAVE YOUR ATTENTION, EAT AT SUBWAY

2016 AASHTO ROWUOAC & NAHBA Conference
UNFINISHED PROJECTS?
EVERYDAY LOW PRICES GUARANTEED
LOWE'S
Your wife is hot.
Better get the A/C fixed.
Contact Information

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