



# Department of Transportation Federal Highway Administration

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## *Reviewing for Effective Outdoor Advertising Control*

2012 AASHTO Subcommittee on Right of Way and Utilities Conference

Marriott Waterfront Hotel – Portland, Oregon  
April 29 to May 3, 2012



# Introduction

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# Review

## Main Controlling Authorities

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Federal & State authorities:

- 23 USC 131 – the Highway Beautification Act of 1965
- 23 CFR 750
- Federal/State Agreement
- State laws and regulations

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# Review

## Controlled Routes and Controlled Areas

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- Control Route
  - Any route designated an Interstate
  - Any Federal-aid primary system in existence on June 1, 1991
  - Any highway which is not on such system but which is on the National Highway System
- Control Area
  - Inside of urban areas, signs are controlled within 660 feet of the edge of the highway right-of-way
  - Outside of urban areas, signs are controlled to the limits of visibility

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# Review

## Sign Categories and Classifications

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- There are 3 main categories of signs ADJACENT to the right-of-way, with 11 different classifications.
  - A. On-property signs (1)
  - B. Off-premise commercial signs (BILLBOARDS)
    - Conforming signs (2)
    - Nonconforming signs (3)
  - C. Directional and other Official signs
    - Directional signs (*museums, etc.*) (4)
    - Official signs and notices (*welcome signs, etc.*) (5)
    - For sale or lease signs (6)
    - Public utility signs (7)
    - Service club and religious notices (8)
    - Public service signs on bus stop shelters (9)
    - Landmark signs (10)
    - Free coffee signs (11)

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# Review Conforming Billboards

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- Must be built on private property and meet all the current regulations with regard to placement, zoning, size, spacing and lighting.
- Considerations when issuing a new billboard permit:
- Scenic byway restriction
- Limited to commercial or industrial areas
  - Zoned
  - Unzoned with nearby qualifying activity
- Size - Federal/State Agreement specifies maximum size
- Spacing (Federal/State Agreement specifies spacing criteria)-
  - Distance between billboards
  - Intersection restrictions / block out areas
- Lighting - Federal/State Agreement specifies lighting restrictions

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# Review Nonconforming Billboards

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- Billboards that were legal at the time they were built, but due to some event, the billboards no longer comply with current zoning, size, spacing, and/or lighting requirements
- Must remain relatively the same as the date they became nonconforming:
- Allowed - reasonable repair and customary maintenance
- Not allowed – modifications
- Nonconforming billboards that are destroyed, abandoned or discontinued in use may lose their nonconforming status classification and become illegal.

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# Learning Objectives

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1. Three roles of a FHWA Realty Officer
2. How to conduct an outdoor advertising control oversight review

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## Learning Objective

### 1. Three roles of a FHWA Realty Officer

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1. Review current State regulations and any proposed legislation, polices and procedures to ensure compliance with the HBA.
2. Provide guidance on OAC and respond to inquiries based on the interpretation of the HBA and State law.
3. Perform oversight reviews to ensure effective OAC.

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## Learning Objective

### 2. How to Conduct an Outdoor Advertising Control (OAC) Oversight Review

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- PURPOSE: 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.

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# OAC Oversight Review - Process

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Four components of an OAC oversight review:

1. Pre-organization – team meetings
2. Actual Field review
3. Writing the report
4. Resolving and tracking deficiencies/findings

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# OAC Oversight Review – Process

## 1. Pre-organization – team meetings

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- Select the OAC review team
- Ensure each member is provided essential information
- Ensure State laws consistent with federal requirements
- Schedule Team meeting(s)

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# OAC Oversight Review – Process

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Ensure each member is provided essential information

- Materials needed to be Assembled and Reviewed:
  - **Federal/State Agreement**
  - **State laws and administrative regulations**
  - State control routes (map)
  - Procedures to identify and remove illegal signs
  - Mechanism of the State's sign inventory system
    - Listing of sign classifications
    - Components identified within the system

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# OAC Oversight Review - Process

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1. Pre-organization – team meetings
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# OAC Oversight Review – Process

## 2. Actual Field review

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- Drive pre-selected routes and obtain data on of Subject signs
- Compare subject sign data with sign inventory data
- Review files of resolved illegal signs
- Preliminary close out with States

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STATE OF \_\_\_\_\_

## SIGN FACT FINDING SHEET

Date: April 26, 2011

Sign Identifier: 14534

County: Lincoln

Location: US 40      28.205      L

Highway Number	Mile Reference	Left/Right (NWSE)
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Measurement    80 X14

Lighting:        No

Zoning:          Agricultural

Verified (Yes/No)

Permit #        14534

Date built      1981

Classification: NC



Observation Notes: Sign's size exceeds size limitation; check to view previous photos if size is nonconforming.

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# OAC Oversight Review – Process

## 3. Writing the report

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- Introduction
- Office Procedures
- Controlling regulations
- Review Summary:
  - Findings
  - Deficiencies
  - Best Practice recommendations

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## EXAMPLE – Review Summary - Deficiency

**Deficiency (Definition of control routes)** State statutes define adjacent area to include “any interstate or primary highway” and the state define primary highway as “any highway, other than an interstate highway, at any time officially designated as a part of the Federal-aid primary (FAP) system”. The Intermodal Surface Transportation Efficiency Act of 1991, amended the HBA, [Title 23, chapter 1, subchapter 1, section 131(t)] define the primary system as the “FAP system: in existence on June 1, 1991, *and any highway which is not on such system but which is on the National Highway System.*”

**Recommended Action to resolve:** The State is required to amend state legislation to redefine the control area (adjacent area) to include the National Highway System.

**Time Frame to Resolve:** The State should adopt required legislation in the next legislative session, or by June 30, 2012.

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# OAC Oversight Review - Process

## 4. Resolving and tracking deficiencies/findings

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- Establish key action dates
- Prepare tracking chart to summarize and track deficiencies/findings
- Assign roles and responsibilities

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Date to be resolved	Finding	Latest FHWA Action	Latest State Action	Date Resolved
6/30/2012	D1 Controlled routes do not include NHS	4/15/2011*		
6/30/2012	D2 Removing <i>destroyed</i> signs	4/15/2011*		
8/31/2011	F1 Modification of <i>nonconforming</i> signs	4/15/2011*	6 /10/2011 Illegal Letter	
8/31/2011	F2 Permitting sign within area primarily zoned for billboards	4/15/2011*		
8/31/2011	<del>F3 Conforming sign exceeding maximum size</del>	6/30/2011	6/10/2011 Sign removed	<b>6/30/2011 Letter</b>
8/31/2011	F4 New signs discovered	4/15/2011*	4/18/2011 Illegal Letter	
8/31/2011	<del>F5 Damaged sign</del>	5/1/2011	4/20/2011	<b>5/1/2011 Letter</b>

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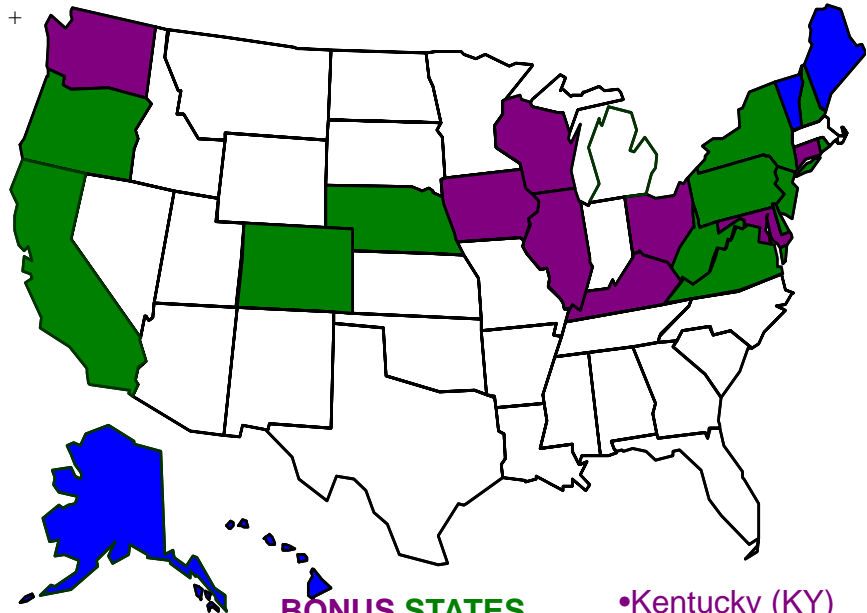


\* Initial Review Report

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# Review Bonus States



## BONUS STATES

- California (CA)
- Colorado (CO)
- Connecticut (CT)
- Delaware (DE)
- Hawaii (HI)
- Illinois (IL)
- Iowa (IA)

- Kentucky (KY)
- Maine (ME)
- Maryland (MD)
- Nebraska (NE)
- New Hampshire (NH)
- New Jersey (NJ)
- New York (NY)
- Ohio (OH)
- Oregon (OR)

- Pennsylvania (PA)
- Rhode Island (RI)
- Vermont (VT)
- Virginia (VA)
- Washington (WA)
- West Virginia (WV)
- Wisconsin (WI)

## NO SIGNS

- Alaska
- Hawaii
- Maine
- Vermont

## 1958 Kerr/Cotton Exclusions

## 1959 Kerr Exclusion Only

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# Learning Objectives Recap

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- Review current State regulations and any proposed legislation, polices and procedures to ensure compliance with the HBA.
- Provide guidance on OAC and respond to inquiries based on the interpretation of the HBA and State law.
- Perform oversight reviews to ensure effective OAC.

## 2. How to conduct an outdoor advertising control oversight review

- Pre-organization – team meetings
- Actual Field review
- Writing the report
- Resolving and tracking deficiencies/findings

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