

NCHRP 20-7

Proposed Research Needs Statement

AASHTO Subcommittee on Right of Way, Utility, and Outdoor Advertising Control

Matthew W. DeLong, Subcommittee Chair

August 28 , 2015

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. Effective control means that each state is required to regulate outdoor advertising (OA) signs in order to protect the public investment in highways, promote the safety and recreational value of public travel, and preserve natural beauty. 23 USC A 131; 23 CFR Part 750. Failure to effectively control OA and comply with the federal mandate will result in a penalty of 10% of annual federal transportation fund apportionment. Facing a loss of 10% federal aid, States are required to effectively control OA signs adjacent to Interstates, National Highway System and Federal-aid Primary Routes. Effective control is specifically defined in federal law, 23 USC 131(c). It means the control of signs located within 660 feet of the right of way and located beyond 660 feet of the right of way, which are:

- (1) located outside of urban areas,
- (2) visible from the main-travelled way, and
- (3) erected for the purpose of being read from such travelled way,

Compliance is determined by a federally-required agreement between the State and USDOT outlining the erection and maintenance of OA signs (the Federal/State Agreement). Under the law, the Federal/State Agreement is required to remain consistent with the purposes of federal law. 23 USC 131(d). 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.

URGENCY

AASHTO leadership, state departments of transportation, and outdoor advertising organizations have consistently and without fail expressed frustration over the inconsistent application of the Federal OAC program effective control measures. This proposal is supported by Members of AASHTO, Matt DeLong, Chairman of the Subcommittee of Rights of Way, Utilities and Outdoor advertising Control and Jim Spalla, Chairman of the AASHTO Technical Council on Outdoor Advertising Control, along with members of the National Alliance of Highway Beautification Agencies (NAHBA), Chaired by Wendy Knox, Texas Department of Transportation, whose membership consists of the OAC Program Managers in all 50 states. National surveys, polls, teleconferences, and conferences have been unsuccessful in resolving state conflicts regarding how to effectively federal control OA, as can be shown by the list of survey responses found on the NAHBA survey website at www.NAHBA.com.

FUNDING REQUESTED AND TIME REQUIRED:

It is estimated that this research will take 11 months to complete and will required \$95,000.00 funding.

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