

## **Notes from OAC Technical Council Teleconference Friday, May 22, 2015**

### Calling in:

Jim Spalla, FL DOT, Chair  
Barbara Wessinger, SC DOT  
Matt DeLong, Michigan DOT  
Clyde Johnson, Consultant (Georgia)  
Bill Wright, Georgia DOT  
Ron Johnson, Texas DOT  
Kristin White, Minnesota DOT  
Rob Jessee, FL DOT  
Juanice Hughes, FL DOT

### Not available for call:

Lyle McMillan, Utah DOT

#### (1) AASHTO OAC Technical Council Website

Barbara and Juanice will look at existing AASHTO Council pages and use those as a guide to draft language for the website for the OAC Council. In the interim, they will research and secure the appropriate AASHTO liaison to update the title, body, and technical council members shown on the website.

#### (2) Delineation of responsibilities of NAHBA and the AASHTO Technical Council

(a) NAHBA – For the past several years, the NAHBA Board attempted to implement standing committees to take needed policy and law changes and develop them into a white paper to take that grass roots effort and spring board it to lobby FHWA and others. What we found in NAHBA is that the turn-around is high, there exists a large learning curve, and their trying to get through their state requirements [and not national ones] was difficult. They don't have the level of policy experience to be as effective as was hoped. Where NAHBA is very effective is in the dissemination of information and discussions about regulatory problems. NAHBA can be effective through periodic webinars, identifying pertinent topics for conferences and communicating to the Technical Council the issues that would be advantageous to take to AASHTO.

(b) Technical Council – It is envisioned that the Technical Council will address those needed policy concerns. Specific areas that need to be initially addressed by the Council include:

- In 2014, an NCHRP request for \$250,000 [for a consultant to do work to analyze federal law and regulations to determine what effective control means] was submitted but was not selected for funding. The recommendation to the Technical Council is that we look at utilizing a 20-7 funding process to help us better define the project. Jim, Barbara and Juanice will discuss the 20-7 with David Reynaud at the Transportation Research Board and report back at the next meeting. If it is determined that we should move forward with the 20-7, Barbara, Matt and Clyde will work on taking the NCHRP to a 20-7 format

and then bring that to the Technical Council and submit to the Sub-Committee. FHWA has encouraged us to pursue, and we do not want to lose momentum. Matt reported that AASHTO will support the research programs set up by the Councils but defers to discipline areas for research. The Sub-Committee's goal is to secure overall research dollars. All technical councils send their study requests to the Sub-Committee which determines the number to send up.

- There are 14 items that over the years have been identified as areas of concern for the outdoor advertising control program. 10 were identified by Clyde in 2002 (FHWA did not pursue in 2002) and 4 from the NAHBA standing committees. Some are overlapping and need to be consolidated. A major objective is for the Council to work toward development of those areas of concern into a white paper. It was discussed that we should probably focus only on one or two of the areas at a time and then move on to the next priority areas. Prior to the next Council meeting, Juanice will send out background information on each of the 14 areas and we will need to prioritize them at the next Council meeting.
  - Matt discussed a letter his DOT in Michigan received from FHWA regarding moving nonconforming signs. Michigan was cited in a review from FHWA that legislation was not compliant as there was no definition of conforming sign, customary maintenance, etc. Michigan used the letter and went to their legislature for a statutory fix. Michigan wrote into their legislation that maintenance [by definition] includes maintaining your operation. The draft legislation was sent to FHWA for review and it was blessed. Michigan has utilized that provision of state statute and has moved a sign under that provision. FHWA is apparently re-reviewing this provision, and unless it overrides it, Michigan will keep the current legislation. Clyde reminded the Council that nothing in federal law defines customary maintenance; it is left to the states to define and implement. FHWA may provide guidance but it has no legal value. In addition, you can only move signs that are nonconforming under a state law but not under a federal law. Confusing – we need clear definition. This is probably one area of concern that should be pursued as a priority item. The Council will probably need to have the states polled to identify the dollars being spent for relocation.
  - Selecting topics for AASHTO/NAHBA 2016 Conference – The Council will need to sort out topics between NAHBA and the Council prior to the January 2016 Conference Planning Meeting.
- (3) Need for document available for Council members – Juanice will contact Greta at AASHTO prior to the next Council meeting to see if we can access documents through an AASHTO website that would be designated to the Council. Everything for Council use would be on one website.
- (4) Timetable – The Council is mandated to have one annual meeting; to formulate goals; and to prepare a report at the end of each December to the Sub-Committee of the work of the Council. The Council determined that it should meet monthly initially and then perhaps move to a quarterly basis. It was agreed that the Council will meet on the Thursday of the third week of the month for approximately two hours, beginning at 2 PM EST. Juanice agreed to send out agendas and to post documents on the Council website. The Council will also invite Dawn Horan of FHWA to participate in the teleconferences as she is able. The ultimate goal is for the Council

to open up the forum to all states. Juanice will also contact Greta about securing an AASHTO phone conference line for the teleconferences.

(5) Adjourn.