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FLORIDA STATE UNIVERSITY



Establishment of Effective Control Factors to Achieve Federal Enforcement Consistency with the Highway Beautification Act

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| 16. Abstract The Highway Beautification Act, which was enforced in 1965, aims to establish an efficient outdoor advertising control (OAC) program for erection and maintenance of the outdoor advertising signs, displays and devices, which are located in a close proximity to the National Interstate System. The Highway Beautification Act outlines a set of requirements for specific types of advertising signs, including directional and official signs, on-property signs, and new signs in commercial and industrial areas consistent with the size, lighting and spacing criteria of the Federal/State agreements. A number of issues, associated with the Highway Beautification Act, have arisen over the last years. Those issues include the attitude and relationship issues, organizational issues at both State and Federal levels, and substantive issues. In order to identify the most critical inconsistencies and regulatory difficulties associated with the Federal OAC program across the nation a comprehensive survey was performed among the State Departments of Transportation (DOTs) under this project. The data, collected as a result of the conducted survey, were analyzed, and findings were used as the baseline information, summarizing the existing practices and issues associated with the Federal OAC program in the United States. A set of baseline standards was developed to address the identified regulatory difficulties and inconsistencies. Furthermore, a number of important criteria, which should be considered throughout the implementation of developed baseline standards, were proposed. Findings from this research and the presented baseline standards are expected to improve effectiveness of the outdoor advertising across the nation and assist the State DOTs and different stakeholders with resolving the key issues, related to the Federal OAC program. | | | | | |
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EXECUTIVE SUMMARY

The Highway Beautification Act, which was enforced in 1965, aims to establish an efficient outdoor advertising control (OAC) program for erection and maintenance of the outdoor advertising signs, displays and devices, which are located in a close proximity to the National Interstate System. The Highway Beautification Act outlines a set of requirements for specific types of advertising signs, including directional and official signs, on-property signs, and new signs in commercial and industrial areas consistent with the size, lighting and spacing criteria of the Federal/State agreements. A number of issues, associated with the Highway Beautification Act, have arisen over the last years. Those issues include the attitude and relationship issues (e.g., certain stakeholders and industry representatives do not believe that the Highway Beautification Act would make any positive impact on the industry and society), organizational issues at both State and Federal levels (e.g., the insufficient staffing and funding issues), and substantive issues (e.g., abuses of signage in commercial and industrial areas, new billboard technology, nonconforming signs, inconsistent regulation and enforcement, vegetation control, the Bonus program, Federal/State agreements, and others).

In order to identify the most critical inconsistencies and regulatory difficulties associated with the Federal OAC program across the nation a comprehensive survey was performed among the State Departments of Transportation (DOTs) under this project. The survey included the questions, covering the major aspects of the Federal OAC program, including the following: 1) General (Bonus agreements; existing OA rules and regulations); 2) Definition of areas for OAC (e.g., definition of inside/outside urban boundaries and inside/outside incorporated areas; the OAC route identification); 3) Federal OAC program administration (inventory, maintenance, surveillance, removal of illegal signs, coordination, sign permits and/or licenses, and sign acquisition); 4) Issues/inconsistencies associated with the Federal OAC program implementation (e.g., new technology challenges, vegetation control issues, areas that are most difficult to regulate); and 5) Other (e.g., duplicative administrative oversight by local governments, Federal/State agreement amendments, effectiveness of the Federal OAC program).

The data, collected as a result of the conducted survey, were analyzed, and findings were used as the baseline information, summarizing the existing practices and issues associated with the Federal OAC program in the United States. A set of baseline standards was developed to address the identified regulatory difficulties and inconsistencies. Furthermore, a number of important criteria, which should be considered throughout implementation of the developed baseline standards, were proposed. Findings from this research and the presented baseline standards are expected to improve effectiveness of the outdoor advertising across the nation and assist the State DOTs and different stakeholders with resolving the key issues, related to the Federal OAC program, such as: a) termination of the Bonus agreements; b) development of the consistent requirements in the Federal/State agreements; c) precise definition of areas for the effective control of advertising signs; d) regularly scheduled inventory and surveillance of advertising signs; e) implementation of the new technologies; and others. Implementation of the proposed baseline standards will require coordination among various parties, including the appropriate Federal agencies, State government officials, State DOTs, local jurisdictions, industry representatives, and others.

TABLE OF CONTENTS

| | |
|---|----|
| 1. BACKGROUND | 1 |
| 1.1. The Highway Beautification Act: A Brief Overview and History | 1 |
| 1.2. Administration of the OAC Program..... | 2 |
| 1.3. The OAC Program Issues | 2 |
| 1.4. Report Structure | 3 |
| 2. DATA COLLECTION | 4 |
| 2.1. Data Collection Methodology..... | 4 |
| 2.2. Data Collection Difficulties and Issues..... | 6 |
| 2.3. Responsiveness of State DOTs | 7 |
| 3. ANALYSIS OF THE COLLECTED DATA | 9 |
| 3.1. Personal Information..... | 9 |
| 3.2. General Questions | 10 |
| 3.3. Definition of Areas for OAC | 14 |
| 3.4. Federal OAC Program Administration | 19 |
| 3.5. Issues/Inconsistencies Associated with the Federal OAC Program Implementation | 30 |
| 3.6. Other | 35 |
| 4. SUMMARY OF FINDINGS | 41 |
| 5. BASELINE STANDARDS | 46 |
| 5.1. General..... | 48 |
| 5.2. Definition of Areas for OAC | 48 |
| 5.3. Federal OAC Program Administration | 49 |
| 5.4. Issues/Inconsistencies Associated with the Federal OAC Program Implementation | 49 |
| 5.5. Other | 50 |
| 6. DESCRIPTION OF BASELINE STANDARDS | 51 |
| 6.1. General..... | 51 |
| 6.2. Definition of Areas for OAC | 56 |
| 6.3. Federal OAC Program Administration | 60 |
| 6.4. Issues/Inconsistencies Associated with the Federal OAC Program Implementation | 65 |
| 6.5. Other | 68 |
| 7. PRIORITIZATION OF BASELINE STANDARDS | 72 |
| 7.1. DOT Level | 72 |
| 7.2. State Level | 73 |
| 7.3. Federal Level | 74 |
| 8. CONCLUSIONS..... | 75 |
| REFERENCES | 77 |
| APPENDICES | 78 |
| Appendix A. A Copy of the Questionnaire Used to Collect the Data | 79 |
| Appendix B. Contact Information of the DOT Representatives Participating in the Survey | 87 |
| Appendix C. State Laws and Regulations Adopted to Control Outdoor Advertising | 93 |

Appendix D. State Procedures Adopted to Control Outdoor Advertising..... 95
Appendix E. Definition of Areas for Effective Control..... 98
Addendum to Appendix E. Definition of Areas for Effective Control..... 101
Appendix F. State Laws and Regulations Defining Commercial and Industrial Areas..... 106
Appendix G. State Laws and Regulations on Maintenance and Continuation of
Nonconforming Signs 110
Appendix H. State Procedures Adopted for Timely Removal of Illegal Signs 115
Appendix I. State Acquisition Procedures for Advertising Signs..... 118
Appendix J. Federal OAC Program Regulatory Difficulties 122

LIST OF FIGURES

| | |
|---|----|
| Figure 1 Federal OAC program aspects considered. | 4 |
| Figure 2 Data collection methodology..... | 6 |
| Figure 3 Responsiveness of State DOTs..... | 8 |
| Figure 4 Distribution of State DOT offices by the main function (A – reported; B – actual)..... | 9 |
| Figure 5 Distribution of States by procedures used for outdoor advertising. | 12 |
| Figure 6 Distribution of States by the OAC route identification method. | 16 |
| Figure 7 Distribution of States by the sign inventory frequency. | 19 |
| Figure 8 Data collection throughout the inventory process. | 22 |
| Figure 9 Inventory and life cycle of illegal signs. | 23 |
| Figure 10 Distribution of States by the sign surveillance frequency. | 24 |
| Figure 11 Distribution of States by the permit issuing method. | 28 |
| Figure 12 Distribution of States by regulatory difficulties reported. | 34 |
| Figure 13 Distribution of States by the OAC program effectiveness criteria. | 39 |
| Figure 14 Baseline standards for different aspects of the Federal OAC Program. | 47 |
| Figure 15 Measurement of the advertising sign size. | 55 |
| Figure 16 A web application for identification of the OAC routes in the State of Illinois..... | 58 |
| Figure 17 The OAC routes in District 1 of the State of Illinois..... | 58 |
| Figure 18 Examples of drones. | 66 |
| Figure 19 Advertising sign visibility obstruction (A – Full; B – Partial). | 67 |

LIST OF TABLES

| | |
|--|----|
| Table 1 List of DOT office functions classified as “Other” | 10 |
| Table 2 List of State DOTs with office functions “Right of Way” or “Maintenance” | 10 |
| Table 3 List of Bonus States. | 11 |
| Table 4 Notes on the existing outdoor advertising sign visibility improvement programs. | 13 |
| Table 5 Alternative methods for identification of the OAC routes. | 17 |
| Table 6 Other sign inventory frequencies. | 20 |
| Table 7 Description of the automated data collection/inventory systems. | 20 |
| Table 8 Other advertising sign surveillance frequencies. | 25 |
| Table 9 Description of penalties associated with illegal signs. | 26 |
| Table 10 Permit issuing methods by combination. | 29 |
| Table 11 Federal OAC program new technology challenges. | 31 |
| Table 12 Federal OAC program vegetation control issues. | 33 |
| Table 13 Details on duplicative administrative oversight by local governments. | 36 |
| Table 14 List of State law aspects that are more restrictive than Federal/State agreement. | 37 |
| Table 15 Spacing of advertising signs (in feet) based on the Federal/State agreements. | 52 |
| Table 16 Size of advertising signs based on the Federal/State agreements. | 54 |

1. BACKGROUND

This section of the report provides the background information regarding the Highway Beautification Act and focuses on the following aspects: 1) A brief overview and history of the Highway Beautification Act; 2) Administration of the Outdoor Advertising Control Program; and 3) The Outdoor Advertising Control Program issues.

1.1. The Highway Beautification Act: A Brief Overview and History

The Highway Beautification Act was signed by the President L. Johnson in 1965 (FHWA, 2016a). The main objective of the Act was to establish an efficient outdoor advertising control (OAC) program for erection and maintenance of the outdoor advertising signs, displays and devices, which are located in a close proximity to the National Interstate System. The implementation of the Federal OAC program would allow protecting the public investment in highways, promoting safety and recreational value of the public travel, and preserving the natural beauty (FHWA, 2016a). The Federal-Aid Highway Act, released in 1958, was a predecessor of the Highway Beautification Act and the first Federal attempt to control the outdoor advertising. The States, which agreed to voluntarily participate in the Federal-Aid Highway Act program in 1958, received a bonus of 0.5% of the highway construction cost. A total of 23 States participated in that program, including the following (FHWA, 2016b): California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Iowa, Kentucky, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, West Virginia, and Wisconsin. The voluntary agreed States were also required to comply with provisions of the Highway Beautification Act, released in 1965. The eligibility to participate in the Bonus program expired in 1965.

Under the original Federal-Aid Highway Act program the advertising signs should be controlled within 660 feet of the Interstate highways. The program was limited only to a number of sign types, including the following: 1) Directional and official signs; 2) On-premise signs - sale, lease or activity; 3) Signs within 12 air miles of advertised activity; and 4) Signs in the specific interest of the traveling public (e.g., historic sites, outdoor recreation, camping, lodging, etc.). Unlike the voluntary Federal-Aid Highway Act program, the Highway Beautification Act required a mandatory State compliance, development of standards for certain States, expedited removal of illegal signs, and removal on the nonconforming signs¹. A failure to comply with the Highway Beautification Act provisions incurred a penalty of a 10% reduction of the State's annual Federal-aid highway apportionment (FHWA, 2016b). Similar to the Federal-Aid Highway Act, the Highway Beautification Act requirements were applied only to a set of advertising signs, including the following: 1) Directional and official signs; 2) On-property signs - sale, lease or activity; and 3) New signs in commercial and industrial areas consistent with the size, lighting and spacing criteria of the Federal/State agreements. The amendments to the Highway Beautification Act were introduced in 1968, which facilitated acceptance of State and local determinations of "customary use" for size, lighting, and spacing for signs in commercial and

¹ "A nonconforming sign is a sign which was lawfully erected but does not comply with the provisions of State law or State regulations passed at a later date or later fails to comply with State law or State regulations due to changed conditions. Changed conditions include, for example, signs lawfully in existence in commercial areas which at a later date become noncommercial, or signs lawfully erected on a secondary highway later classified as a primary highway" (Legal Information Institute, 2016).

industrial areas. Several other Federal Acts (e.g., Federal-Aid Highway Act in 1970, Federal-Aid Highway Act in 1974, Federal-Aid Highway Act in 1976, etc.) were released to make the additional provisions in the original Highway Beautification Act.

1.2. Administration of the OAC Program

The administration process of the OAC program is based on the following major components (FHWA, 2016b): 1) Inventory – which ensures an accurate collection of the relevant data for each sign, serves as a surveillance tool for identification of the illegal sign erection or illegal maintenance, and allows control the acquisition of nonconforming signs; 2) Surveillance – which consists in a detailed route inspection and ensures an adequate reporting for an effective control; 3) Removal of illegal signs in an appropriate manner by providing a notification to the offender; 4) Coordination among the appropriate parties to ensure a timely physical removal of illegal signs; 5) An optional requirement for sign permits and licenses (is not mandated by the Federal law), which may facilitate an effective control and inventory of the existing signs; and 6) Acquisition – which consists in removal of signs and compensation to the offenders and should be coordination at both State and Federal levels.

1.3. The OAC Program Issues

Over the years a number of issues have been surrounding the Highway Beautification Act. To resolve this wide range of issues the FHWA Headquarters contracted the U.S. Institute for Environmental Conflict Resolution in 2005 (FHWA, 2016c). All of issues, associated with the Highway Beautification Act, were categorized in three groups:

- **Group 1:** The attitude and relationship issues, which include value difference issue, trust issue and discouragement issue. The value difference issue consists in the fact that there are two population/stakeholder views on the Highway Beautification Act. The first view emphasizes advantages of the OAC program (e.g., an increase in employment to support the outdoor advertising, benefits to the medium and local businesses, an economic growth of the industry), while the second view is not willing to accept any changes, incurred by the OAC program, and highlights the program disadvantages (e.g., the billboards are unsightly and constitute an imposition on the traveling public). The trust issue consists in the fact that a certain portion of the industry representatives do not believe that the Highway Beautification Act would make any positive impact on the industry and society. The discouragement issue leads to frustration of the OAC program offenders and is caused by lack of support from higher level organizations, inadequate staffing, insufficient monetary resources, organized program structure, etc.

- **Group 2:** Organizational issues, which are coming from both Federal and State levels. Many of Federal and State programs are operating at the substandard level due to the fact that those programs are not given a high priority, which further causes the insufficient staffing and funding issues. Many State DOTs do not see substantial benefits from implementing the OAC program.

- **Group 3:** Substantive issues, which include both technological and organizational issues such as: 1) new billboard technology (unpreparedness of the State and Federal regulators to address the challenges of new technologies); 2) abuses of signage in commercial and industrial areas (installation of billboards in the unauthorized areas); 3) arguments regarding removal of the

nonconforming signs; 4) vegetation control; 5) inconsistent regulation and enforcement (State DOTs are looking for flexibility in the OAC program requirement, which further causes inconsistencies in the program implementation); 6) the Bonus program; 7) FHWA's 10% penalty; 8) Federal/State agreements (most of the Federal/State agreements are outdated or are in conflict); and 9) the Highway Beautification Act scope (due to changes in the OAC program many States tend to lessen their responsibility for the outdoor advertising).

The following means were adopted by the U.S. Institute for Environmental Conflict Resolution to address the existing issues, associated with the Highway Beautification Act: a) personal interviews, b) focus group discussions, and c) public listening sessions. As a result of the undertaken efforts, all of the issues were classified in two groups (FHWA, 2016c): 1) Tier I issues, which should be addressed first; and Tier II issues, which could be pursued after successful tackling of Tier I issues. The new billboard technology, abuses of signage in commercial and industrial areas, the future of nonconforming signs, inconsistent regulation and enforcement, abuses of signage in commercial and industrial areas and vegetation control were classified as Tier I issues. This project aims to extend the work, conducted by the U.S. Institute for Environmental Conflict Resolution, identify changes in tendencies related to implementation of the Federal OAC program across the States, determine the control factors for the OA program, and provide the baseline standards for the program.

1.4. Report Structure

The remainder of this report is structured in the following manner. Section 2 discusses the methodology, adopted under this project for collecting the data from State DOTs, while Section 3 provides a detailed analysis of the collected data. Section 4 summarizes findings, revealed as a result of the collected data analysis, while Section 5 presents the proposed baseline standards, covering the major aspects of the Federal OAC program. Section 6 provides a detailed description of the proposed baseline standards and discusses certain criteria that should be considered throughout implementation of the baseline standards. Section 7 prioritizes the proposed baseline standards on the DOT, State, and Federal levels, while Section 8 summarizes the entire research efforts and provides conclusions for this study.

2. DATA COLLECTION

This section of the report discusses how the data were collected from State DOTs to perform a comprehensive study of the OAC factors. The primary attention was given to the following components of the Federal OAC program (which are also depicted in Figure 1) throughout the data collection:

- The existing State laws to control compliance with the Federal OAC program;
- The existing measures to enforce the Federal OAC program implementation;
- The existing methodologies/processes used as a part of the Federal OAC program implementation;
- Determination of the areas for effective sign control;
- Programs for enhancing visibility within the effective control areas;
- Administration of the Federal OAC program (with emphasis on inventory, surveillance, removal of illegal signs, penalties in case of incompliance, coordination among the appropriate parties, sign permits and/or licenses to facilitate control and inventory of signs, acquisition);
- Duplicative administrative oversight by local governments on the same OA signs;
- Issues and inconsistencies associated with the Federal OAC program implementation;
- Criteria for evaluating the effectiveness of the Federal OAC program.

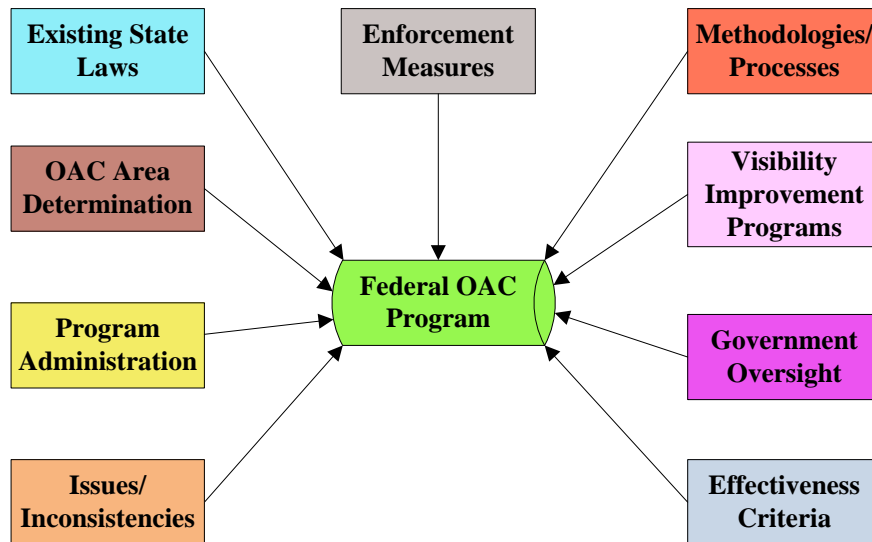


Figure 1 Federal OAC program aspects considered.

The following aspects will be discussed throughout this section: 1) data collection methodology; 2) data collection difficulties and issues; and 3) responsiveness of State DOTs.

2.1. Data Collection Methodology

In order to collect the consistent data for a comprehensive study of the State OAC factors, the FAMU-FSU research team developed a detailed questionnaire. The questionnaire was compiled in coordination with the FDOT Right of Way Division. A copy of the questionnaire is provided in Appendix A, accompanying this report. The questionnaire includes a total of 40 questions,

covering the major aspects of the Federal OAC program. The questions were categorized in the following groups:

- 1) Personal information (of the State DOT representative, who is filling out the questionnaire)
- 2) General questions
- 3) Definition of areas for OAC
- 4) Federal OAC program administration (with focus on inventory, maintenance, surveillance, removal of illegal signs, coordination, sign permits and/or licenses, and acquisition)
- 5) Issues/inconsistencies associated with the Federal OAC program implementation (e.g., new technology challenges, vegetation control issues, areas that are most difficult to regulate, violations regarding maintenance/removal of the nonconforming signs)
- 6) Other (e.g., duplicative administrative oversight by local governments, Federal/State agreement amendments, criteria used to evaluate effectiveness of the Federal OAC program)

Once the questionnaire was finalized, the FAMU-FSU research team started contacting the State DOTs following the methodology, presented in Figure 2. First, the FAMU-FSU research team contacted by phone the State OA Manager, listed in the publicly available document “State Outdoor Advertising Managers – Contact List” that was developed by the National Alliance of Highway Beautification Agencies (NAHBA, 2016). Second, if the State OA Manager responded to the phone call, a brief project overview was provided with a request to fill out the questionnaire. If the State OA Manager did not respond, a project overview and a request to fill out the questionnaire were left via voicemail. Third, after a phone call the questionnaire was sent to the State OA Manager by e-mail. If the State OA Manager, listed in the NAHBA document, did not confirm participation in the study, the FAMU-FSU research team had to determine an appropriate DOT office and identify an alternative DOT representative with a sufficient knowledge regarding the OAC program implementation in the given State.

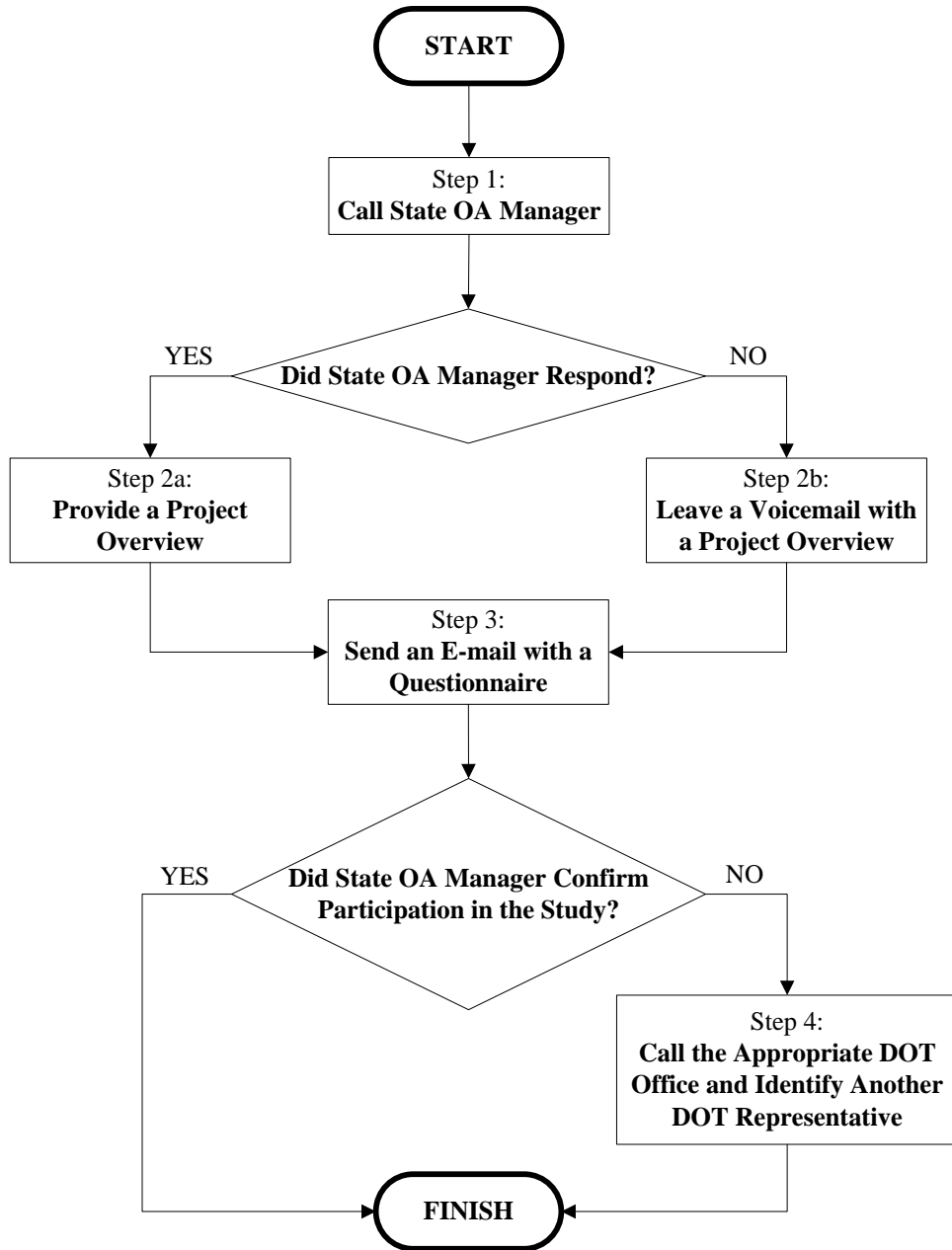


Figure 2 Data collection methodology.

2.2. Data Collection Difficulties and Issues

Throughout the data collection process the FAMU-FSU research team encountered a number of difficulties/issues, including the following:

1) *Differences in time zones*

The FAMU-FSU research team had difficulties in contacting State DOTs, located on the West Coast (e.g., Hawaii, California, Oregon, Washington, and others) due to time zone differences with the State of Florida.

2) Identification of the appropriate DOT representative

As mentioned in the previous section of the report, initially the FAMU-FSU research team contacted by phone the State OA Managers, listed in the publicly available document “State Outdoor Advertising Managers – Contact List”, which was developed by NAHBA. However, the OA Managers in certain States did not respond to phone calls and e-mail messages, and, therefore, an alternative DOT representative with a sufficient knowledge regarding the OAC program implementation in the given State had to be identified. The latter task was accomplished by contacting the main DOT office, responsible for OA (e.g., Right of Way, Maintenance, Traffic Operations, etc.).

3) Workload of DOT representatives

Many State DOT representatives mentioned that they were not able to fill out the questionnaire in a timely manner due to the fact that OA is not their primary responsibility. Furthermore, certain States have only one representative, responsible for the Federal OAC program implementation, and those representatives could not respond in a short span of time due to their workload.

4) Missing responses

A number of States did not respond to some of the questions in the questionnaire. The FAMU-FSU research immediately communicated with corresponding State DOT representatives regarding the missing questions either via phone or e-mail. Many States did not respond to question Q19 (“Have Federal dollars ever been utilized in the acquisition of nonconforming signs?”). Some of the DOT representatives mentioned that no Federal funds had been recently used to acquire nonconforming signs, and they did not know if Federal funds were used before their presence at a given DOT. The FAMU-FSU research team was able to gather missing responses for most of the questions. Some State DOT representatives indicated that they left certain questions blank intentionally.

5) Questions regarding legitimacy of the conducted research

When the FAMU-FSU research team started communicating with the State OA Managers, some of them questioned legitimacy of the conducted survey and contacted the FDOT Project Manager – Mr. Robert Jessee. Mr. Jessee sent an e-mail to the State OA Managers, confirming the legitimacy of the survey performed by the FAMU-FSU research team, in order to resolve this issue.

2.3. Responsiveness of State DOTs

The responsiveness of State DOTs was estimated after collecting the filled questionnaires. The responsiveness value (measured in days) was calculated as a difference between the time of receiving the filled questionnaire and the time of the first contact (either by phone or e-mail). The responsiveness values are presented in Figure 3. It can be observed that responsiveness among State DOTs significantly varies. Some States were able to respond within 1 day, while certain States returned the filled questionnaires after 40 days. The average responsiveness to the conducted survey was found to be 17.4 days with a standard deviation of 11.9 days. A total of 11 States responded within less than one week, while 19 States required more than three weeks in order to complete the questionnaire. Such a significant difference in responsiveness can be explained by workload of the State DOT representatives responsible for OA.

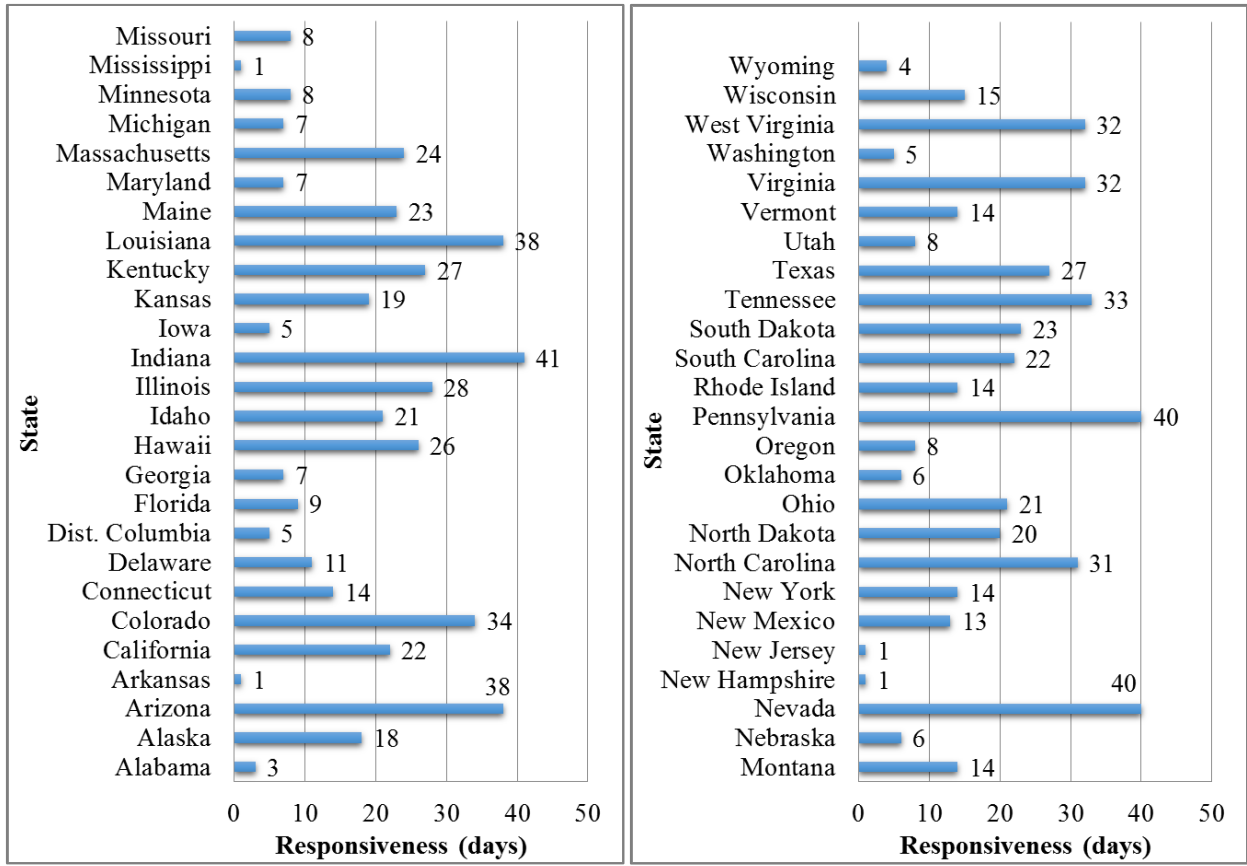


Figure 3 Responsiveness of State DOTs.

3. ANALYSIS OF THE COLLECTED DATA

This section of the report presents a detailed analysis of the data, collected as a result of conducted survey. The responses to questions were grouped by question type (including personal information; general questions; definition of areas for OAC; Federal OAC program administration; issues/inconsistencies associated with the Federal OAC program implementation; and other). A review of responses for each group of questions is presented in sections 3.1-3.6 of the report.

3.1. Personal Information

Q1. Please identify yourself

A detailed information for each State DOT representative (including name, title, agency, address, telephone, fax, and e-mail), participated in this study, is presented in Appendix B that accompanies this report.

Q2. What category best describes the main function of your office?

A total of nine unique functions of the State DOT offices, which participated in the survey, were identified, including the following: 1) Construction; 2) Design; 3) Environmental Management; 4) Maintenance; 5) Policy; 6) Program Management; 7) Right of Way; 8) Traffic Operations; and 9) Other. Throughout the analysis it was found that some of the DOT representatives referred to the function of their specific section/subdivision they working for (e.g., Outdoor Advertising Control; Driveway, Billboard, Pole line permits; Outdoor Advertising/Salvage Yards; etc.), not to the function of the actual division (e.g., Right of Way; Maintenance; Traffic Operations; etc.). The distribution of State DOT offices by the main function based on the responses provided in the questionnaires is presented in Figure 4A, while the distribution of State DOT offices by the actual main function is presented in Figure 4B. The list of DOT office functions, classified as “Other”, is presented in Table 1.

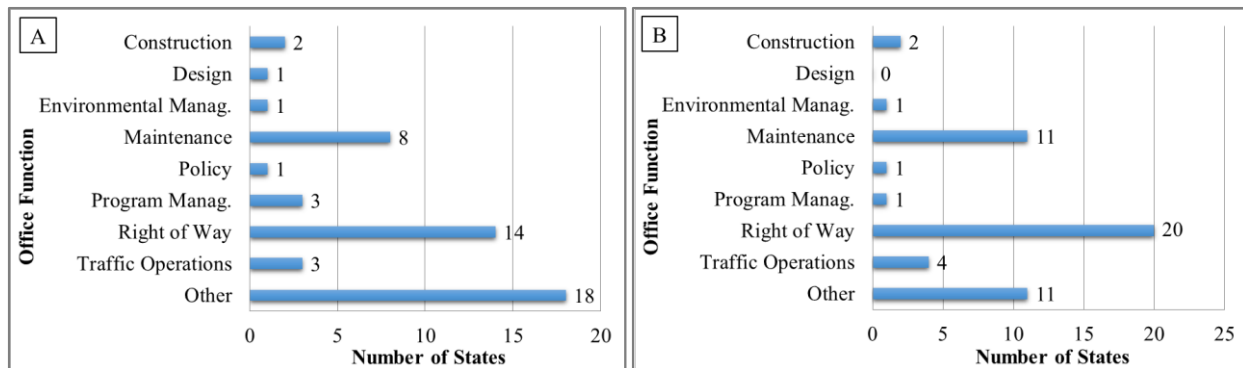


Figure 4 Distribution of State DOT offices by the main function (A – reported; B – actual).

The survey results (based on the actual data) show that the majority of State DOT offices (a total of 31 State DOTs or $\approx 60.8\%$), responsible for the OA program implementation, perform either Right of Way or Maintenance operations (Table 2). Approximately 7.8% of State DOT offices are primarily responsible for Traffic Operations, while 21.6% of State DOT office functions were classified as “Other”.

Table 1 List of DOT office functions classified as “Other”.

| State | DOT Office Function |
|----------------|--|
| Alaska | Transportation policy, procedure, legislation, and regulations, particularly with regard to right of way, utilities, and related property management |
| Arizona | We have a place in everything above. Our office issues permits for Over-dimensional Loads, Outdoor Advertising and Right-of-Way Encroachments. We are in the TSMO division because we have a stake in everything you listed above. |
| California | Right of Way; Traffic Operations |
| Delaware | Maintenance; Program Management |
| Indiana | Right of Way, Driveway, Billboard, Cut Rd., Pole line permits |
| Iowa | Traffic and Safety |
| Maine | Program Management; Traffic Operations |
| Massachusetts | Regulatory; Transportation Policy-Safety |
| Nebraska | Outdoor Advertising and Junkyard Regulation under HBA |
| Nevada | Permitting of signs, billboards and encroachment permits |
| New Jersey | Regulatory |
| North Carolina | Emergency Management; Maintenance |
| Oklahoma | Outdoor Advertising Control |
| Rhode Island | Program Management; Public Information; Right of Way |
| South Carolina | Outdoor Advertising Control |
| South Dakota | Construction; Maintenance; Safety; Traffic Operations |
| Virginia | Office of Land Use |
| West Virginia | Outdoor Advertising/Salvage Yards |

Table 2 List of State DOTs with office functions “Right of Way” or “Maintenance”.

| State | DOT Office Function | State | DOT Office Function |
|--------------|----------------------------|----------------|----------------------------|
| Alabama | Maintenance | Missouri | Right of Way |
| Arkansas | Right of Way | Montana | Right of Way |
| Connecticut | Right of Way | Nebraska | Right of Way |
| Delaware | Maintenance | Nevada | Right of Way |
| Florida | Right of Way | New Mexico | Maintenance |
| Georgia | Maintenance | New York | Right of Way |
| Hawaii | Right of Way | North Carolina | Maintenance |
| Idaho | Right of Way | North Dakota | Maintenance |
| Illinois | Right of Way | Oklahoma | Right of Way |
| Kansas | Right of Way | Oregon | Right of Way |
| Kentucky | Maintenance | Pennsylvania | Right of Way |
| Louisiana | Maintenance | Texas | Right of Way |
| Maine | Maintenance | Utah | Right of Way |
| Maryland | Right of Way | Wisconsin | Maintenance |
| Minnesota | Right of Way | Wyoming | Right of Way |
| Mississippi | Maintenance | | |

3.2. General Questions

Q3. Is your State a Bonus State?

A total of 21 Bonus States (or ≈41.2%) were identified as a result of the conducted survey. Table 3 presents the list of Bonus States and provides the information regarding the last Bonus

payment received (if available). Hawaii and Vermont did not classify themselves as Bonus States. However, FHWA indicates that those two States are included in the list of Bonus States (FHWA, 2016b). It is more likely that those two States have not received any Bonus payments, and, therefore, they do not classify themselves as the Bonus States.

Table 3 List of Bonus States.

| State | When was the last Bonus payment received? |
|---------------|--|
| California | September 1992. |
| Colorado | Sometime around 1980. |
| Connecticut | |
| Delaware | Unknown. |
| Illinois | 1981 was last payment. We received around \$2.8m and they still owe us around \$1.5m. |
| Iowa | Technically we are a Bonus State but we have established a MOU with FHWA requiring us to repay bonus monies received for segments that are compromised through the placement of new advertising devices in areas which would have been blocked out under the traditional bonus requirements. Last bonus payment was in 1981. |
| Kentucky | KYTC has received payments in the past but we are not sure when the last payment was made (many years ago). |
| Maine | 1983 |
| Maryland | Unknown, if we ever. |
| Nebraska | Exact date not available at this time. |
| New Hampshire | |
| New Jersey | Never. |
| New York | Don't Know. |
| Ohio | Not certain, but I believe it's been decades. |
| Oregon | Not sure when Oregon last received a payment for the Bonus Act. |
| Pennsylvania | Unknown |
| Rhode Island | 2016 |
| Virginia | Unknown. |
| Washington | |
| West Virginia | Unknown. |
| Wisconsin | I believe it was sometime in the 1980s. |

Notes: MOU - memorandum of understanding.

We observe that the majority of Bonus States indicate that date of the last Bonus payment is unknown (e.g., Delaware, Maryland, Nebraska, New York, etc.). Certain States received their Bonus payments in 1980s (e.g., Colorado, Illinois, Iowa, Maine, etc.). The State of New Jersey indicates that they have never received any Bonus payments. The State of Rhode Island mentions that they received a Bonus payment in 2016, which seems out of ordinary. It is more likely that the State of Rhode Island received a monetary subsidy from one of the Federal agencies (e.g., FHWA, U.S. DOT) and classified that subsidy as a Bonus payment.

Q4. If your State is not a Bonus State, has your State ever had Federal funding reduced as a result of loss of effective control? If yes, please elaborate.

Only South Dakota DOT indicates that they were sanctioned for noncompliance with the Federal OAC program in the past and had a reduction in Federal funding. Other States mention that they

have never had penalties as a result of loss of effective control. The State of Utah underlines that they received a few “reminder” letters in the past and had to make necessary adjustments in order to avoid monetary penalties.

Q5. Does your State currently have laws/regulations in place to control outdoor advertising?

All State DOT representatives, participated in this survey, indicate that there are laws and regulations in place to control outdoor advertising. A detailed list of laws and regulations, adopted in each State to control outdoor advertising, is presented in Appendix C that accompanies this report. The representatives from Texas and Wyoming DOTs also underline that their State statutes allow passing the existing regulations in order to provide an effective outdoor advertising control.

Q6. Does your State currently have procedures in place to control outdoor advertising?

The distribution of States by procedures used for outdoor advertising is presented in Figure 5. The majority of State DOTs (i.e., 21 State DOTs or ≈41.2%) underline that the procedures, which are used to control outdoor advertising, are primarily driven with the existing State laws and regulations. Approximately 23.5% of State DOTs have separate guidelines and manuals that specifically outline the outdoor advertising procedures. Certain States (≈15.7%) provide a brief description of the procedures adopted, while approximately 5.9% of States indicate their outdoor advertising procedures are based on the permits that are required for advertising signs. A number of States (≈7.8%) do not specify the procedures adopted, while 5.9% of States highlight that they do not have any procedures in place to control outdoor advertising. A detailed list of procedures, adopted in each State to control outdoor advertising, is presented in Appendix D that accompanies this report.

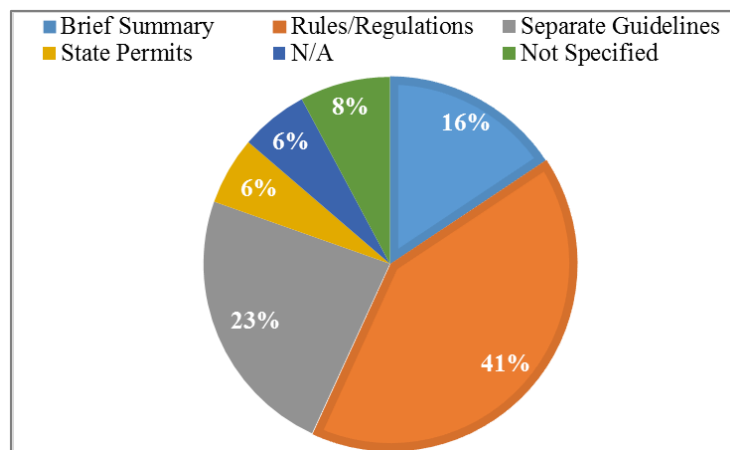


Figure 5 Distribution of States by procedures used for outdoor advertising.

Q7. Does your State currently have a program in place to improve the visibility of outdoor advertising signs from the main-travelled way?

The survey results show that 26 State DOTs (or ≈51.0%) have a program in place to improve the visibility of outdoor advertising signs from the main-travelled way. A total of 24 States provided some additional notes regarding their programs, which are presented in Table 4.

Table 4 Notes on the existing outdoor advertising sign visibility improvement programs.

| State | Outdoor Advertising Sign Visibility Improvement Program |
|----------------|---|
| Alabama | A tree trimming and tree removal policy to maintain initial visibility but not for the creation of visibility. |
| Arkansas | We have the Restore Sign Visibility Policy to allow limited clearing along controlled or limited access highways. |
| Delaware | We are currently trying a pilot program. |
| Florida | The State of Florida references Vegetation Management in both its Statute and Rule if certain requirements are met a vegetation management application can be approved for the trimming of vegetation in the Department Right of Way. |
| Georgia | After a sign has been permitted for 5 years, the owner may apply for a permit to cut trees to allow for a view zone (which is 250 feet wide at the edge of ROW, increasing to 350 feet wide at the edge of pavement, all within 500 feet of the sign as measured at edge of pavement). The application must include detailed view zone and erosion control plans with the assistance of a licensed forester. A contributory fee is also paid according to the number, size, and quality of the trees being cut. That fee goes into a fund that pays for beautification projects across the state. |
| Kansas | 2008 Policy on Vegetation Management for Outdoor Advertising Signs. |
| Kentucky | 603 KAR 5:155. |
| Massachusetts | We have a tree trimming policy directive administered by the individual Highway Districts. There are also access permit regulations that govern any access to MassDOT property which would include request to cut trees for purposes of viewing a billboard adjacent to MassDOT highways. |
| Michigan | There are vegetation removal regulations contained in the Highway Advertising Act of 1972. Procedures also exist under the Construction Permit Manual. |
| Minnesota | Tech memo No. 01-06-ENV-01, 173.171 VEGETATION CONTROL; VISIBILITY; AGREEMENTS; State Statute 160.22 TREES. |
| Mississippi | MDOT allows vegetation removal by permit for vegetation that has grown into the face of legally erected outdoor advertising signs. |
| Missouri | Vegetation Permit Application. |
| Nebraska | This past year statutes were amended to allow the cutting/removal of trees/vegetation if they are blocking the view of legally placed billboards/signs. They must now obtain a right-of-way occupancy permit from our Property Management Section in order to work/cut/trim on the right-of-way. |
| New Jersey | We have a vegetation management program, though outdoor advertising unit does not monitor it and the billboard company must apply for such management. |
| New York | Vegetation control permits can be obtained if all the criteria are met. |
| North Carolina | Selective Vegetation Removal permits. |
| North Dakota | NDCC 24-17-12. |
| Ohio | OH Revised Code Chapter 5516. |
| Oregon | The State does allow OA sign owners to apply for a permit to trim or remove trees and shrubbery from ROW, through the local ODOT District Office where the sign is located. Permits for tree and shrubbery trimming or removal are issued under ORS 377.030, 377.040, 377.050; if, in the Department's judgment and at its discretion, the statutory requirements are met. |
| Pennsylvania | Only for existing signs. |
| Tennessee | The State of TN has a Vegetation Control Program in place to help improve the visibility of legally permitted Outdoor Advertising Devices. |

Table 4 Notes on the existing outdoor advertising sign visibility improvement programs (continued).

| State | Outdoor Advertising Sign Visibility Improvement Program |
|-----------|---|
| Utah | Although the word "Program" may be an overstatement relative to what some heavily vegetated states like GA have in place, UCA 72-7-514 outlines the basic landscape control process as related to trimming vegetation relative to billboards. While the State of Utah is largely a dry arid region with sparse vegetation, some areas in the state do still contain abundant vegetation. When trees need to be trimmed UCA 72-7-514 is followed and approvals are facilitated via the Department's Statewide Encroachment Permitting Program. |
| Virginia | Vegetation control permits. |
| Wisconsin | 84.305 Wis. Stats. effectively gives sign owners the right to visibility to their signs for vegetation obstructing the view to the sign face. |

A number of States mention that they have laws, regulations, and policies in place for the vegetation management (e.g., Alabama, Arkansas, Florida, Kansas, Kentucky, Massachusetts, Michigan, North Dakota, and others). Most of the State DOT representatives underline that the sign owners are required to apply for a permit in order to remove vegetation (e.g., Georgia, Mississippi, Missouri, Nebraska, New Jersey, New York, and others). The State of Georgia indicates that the vegetation permit fee depends on the number, size, and quality of the trees being cut. The collected vegetation permit fees are further used for beautification projects across Georgia.

3.3. Definition of Areas for OAC

Q8. How are the areas (i.e., inside and outside urban boundaries, inside and outside incorporated areas) for the effective control of signs determined in your State?

This question appeared to be confusing for some State DOT representatives, as they did not fully specify how inside/outside urban boundaries and inside/outside incorporated areas are determined. A detailed list of responses, collected from State DOT representatives, is provided in Appendix E that accompanies this report. The State of Alabama indicates that the most of cities and towns establish their own zoning. California, Delaware, and Tennessee obtain the information from local governments in order to determine boundaries for urban/rural designations. Florida DOT utilizes the information from local governments to determine if a sign is inside or outside of an incorporated area. Using the internal database Florida DOT identifies whether the sign location is inside or outside of the urban boundaries. The State of Connecticut highlights that the entire State is considered as the area for effective control of advertising signs. District of Columbia indicates that it is very challenging to determine the areas for effective control as they are fully built in the urban environment. Georgia DOT relies on their Office of Transportation Data to determine the urban boundaries.

Idaho defines the urban areas as the geographical areas within the city limits of any incorporated city having a population of +5,000 inhabitants. Louisiana indicates that State and local zoning officials determine areas for the effective control. The State of Maine mentions that non-electronic on-premise signs inside the urban boundaries are under jurisdiction of the cities, while electronic on-premise signs inside the urban boundaries are under jurisdiction of the State. All off-premise signs in Maine are under jurisdiction of the State. However, the information on how

the urban boundaries are determined was not provided. Maryland DOT and New York DOT rely on maps for identification of areas for the effective control of advertising signs. The State of New York also underlines that the FWHA NHS map contains the information regarding urban boundaries. Massachusetts and New Jersey indicate that they do not distinguish between inside/outside urban boundaries and inside/outside incorporated areas. The State of Minnesota uses mile markers to determine the effective control areas. In Missouri the Transportation Planning Division defines the urban boundaries throughout the State based on the Census data. Texas DOT determines the urban boundaries by incorporated limits of a city. If a given city is not incorporated, Texas DOT does not consider that city as urban. The State of Virginia relies on Geographic Information System (GIS) for defining inside/outside urban boundaries.

Some other DOT representatives described how the effective control areas are determined (e.g., inside urban areas within 660 feet from the right of way; outside urban areas visible from the main-traveled way), but did not explain how inside/outside urban areas are designated. Alaska, Hawaii, and Vermont did not respond to this question (probably due to the fact that the billboards are prohibited in those States). Full responses of DOT representatives from all States are presented in Appendix E.

As a result of analysis of the data, collected from State DOTs, the FAMU-FSU research team and FDOT Right of Way Division identified a total of 35 States that did not provide adequate answers to question Q8. In order to ensure that those States fully understand the question FDOT Right of Way Division decided to revise question Q8 as follows: “***Our Federal/State agreements require us to regulate signs differently based on whether they are located inside or outside of an incorporated area (city limits) and inside or outside of an urban area. That being the case, how does your State determine both the urban boundaries and the incorporated boundaries within your State?***”. The FAMU-FSU research team contacted again the DOT representatives from identified 35 States to gather more data regarding definition of inside/outside urban areas and inside/outside incorporated areas.

The additional data, collected based on responses to the updated question Q8, were analyzed. It was found that a number of States use procedures, similar to the ones adopted in the State of Florida, for identification of inside/outside urban areas and inside/outside incorporated areas. Specifically, local governments provide the information regarding the inside/outside incorporated areas, and internal databases are used for definition of inside/outside urban areas. Arizona DOT indicates that they regulate based on inside/outside incorporated areas only, and boundaries are determined using the assessor maps. The Census data are primarily used to determine boundaries for the urban areas. Arkansas uses the city boundaries to identify whether a sign is inside an incorporated area. The information regarding the city boundaries is provided by the Secretary of State’s office. Urban areas are considered the same as inside incorporated areas, while outside incorporated areas are considered as rural areas.

A number of State DOTs (e.g., Iowa, North Carolina) highlight that they are not required to determine urban boundaries based on their Federal/State agreements. The FAMU-FSU research team reviewed in details Federal/State agreements, State Statutes, laws, rules, regulations, and procedures governing the outdoor advertising. It was found that Federal/State agreements indeed do not use the term “urban” and generally refer to incorporated areas, when specifying the

spacing criteria requirements. The term “urban” is generally defined in State Statutes and/or administrative rules and/or administrative regulations in chapter “Definitions”. Therefore, a clear definition of areas for effective control of the advertising signs (i.e., inside/outside urban areas and inside/outside incorporated areas) should be provided to avoid potential confusion among State DOT representatives.

Connecticut DOT mentions that their answer to question Q8 remains the same (i.e., the entire State of Connecticut is incorporated, and signs are regulated in the same manner whether or not they fall inside or outside of urban boundaries). Similarly, the State of Maine did not change their response to question Q8. New Mexico DOT obtains the information regarding incorporated areas from the local governmental jurisdictions/entities. The data from the local governmental jurisdictions/entities and Census information are used to determine the urban boundaries. Furthermore, some State DOT representatives (e.g., Nevada, Pennsylvania, Utah) indicate that their knowledge is not sufficient to fully respond to the question. The latter can be caused by the fact that the other DOT offices (e.g., Transportation Planning, Land Use, etc.) are responsible for designation of inside/outside urban areas and inside/outside incorporated areas, and State DOT representatives responsible for the OA program implementation do not possess the appropriate information regarding definition of those areas. Full responses of DOT representatives from all States to the updated question Q8 are presented in Addendum to Appendix E that accompanies this report.

Q9. How are routes for your State’s OAC program identified?

The distribution of States by the OAC route identification method is illustrated in Figure 6. It was found that the majority of State DOTs (i.e., 24 State DOTs or ≈47.1%) use both map and written description for identification of State routes under outdoor advertising control. Only 2 States – Idaho and Ohio (or ≈3.9%) solely rely on written descriptions, while maps are primarily used in 14 States (or ≈27.5%). A total of 8 States (or ≈15.7%) mention that they rely on some alternative methods for defining the OAC routes, which are described in Table 5.

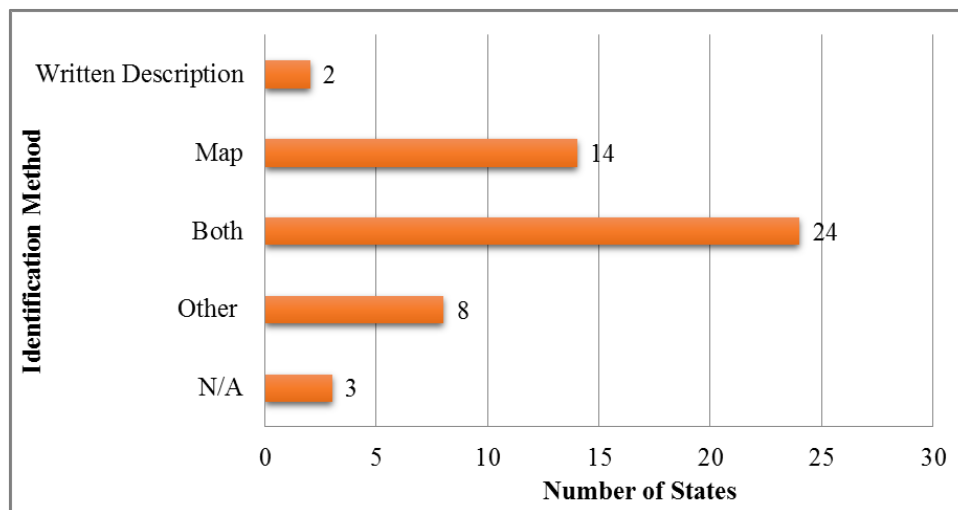


Figure 6 Distribution of States by the OAC route identification method.

Certain States use GIS along with written description and maps (Georgia, Oregon, and Virginia). The State of Delaware relies on the Internal Department program, while Florida determines the

OAC routes based on the Straight Line Diagrams. The State of Illinois developed a website, which showcases all of the OAC routes. New Jersey DOT indicates that all roadways are subject to outdoor advertising control, while Tennessee DOT underlines that they have a custom information management system (Enhanced Tennessee Roadway Information Management System or E-TRIMS) for identification of the OAC routes. Alaska, Hawaii, and Vermont did not specify the OAC route identification method that they use (probably due to the fact that the billboards are prohibited in those States).

Table 5 Alternative methods for identification of the OAC routes.

| State | OAC Route Identification Method |
|--------------|---|
| Delaware | Written Description; Map; Internal Department program. |
| Florida | Straight Line Diagrams (SLD's). |
| Georgia | We get updated NHS routes from our Office of Transportation Data. We had to piece together the FAP routes from both written descriptions and old FAP maps from 1991. These descriptions and maps were used to make a GIS FAP route file that we use in conjunction with the NHS route file to form our controlled routes, but we may need to refer back to the old written description or FAP maps at times to be sure. |
| Illinois | The Department's "Doing Business" website provides a map for public viewing that illustrates Illinois' controlled routes. |
| New Jersey | All roadways are part of OAC. |
| Oregon | We use a combination of GIS mapping, written descriptions, straight-line maps and a Digital Video Log (the Digital Video Log is a set of still photos taken at intervals and stitched together to playback in a video-style format). |
| Tennessee | Written Description; Map; E-TRIMS – Enhanced Tennessee Roadway Information Management System. |
| Virginia | Written Description; Map; GIS. |

Q10. Does your State have laws/regulations defining a commercial/industrial area?

A total of 43 State DOTs (or ≈84.3%) indicate that they have State laws and regulations defining commercial and industrial areas. Alaska, Maine, Maryland, New Hampshire, New Jersey, New Mexico, New York, and Vermont mention that they do not have any laws and regulations in place, which determine commercial and industrial areas. The State of Arkansas indicates that the commercial/industrial area is defined as the area of 600 feet from a business activity to a depth of 660 feet, which cannot be predominantly residential, or the area that is zoned as commercial or industrial. In Connecticut a commercial/industrial area is determined as the area, which is specifically designated for commercial or industrial use. The Commissioner of Transportation must approve designation of a given area as commercial or industrial. Delaware DOT defines commercial or industrial areas as the areas, which are zoned for business, industry, commerce or trade pursuant to a State or local zoning ordinance or regulation, except those areas that are beyond 660 feet outside urban areas (which shall not be recognized as commercial, industrial, unzoned commercial or unzoned industrial).

In the State of Idaho commercial or industrial areas are determined as the areas which traverse and abut on commercial, business, or industrial zones within the boundaries of incorporated municipalities or the areas with a land use designated as industrial, business, or commercial. Commercial or industrial areas include also those areas, which are unzoned commercial or

industrial areas but are consistent with certain sign size, lighting, and spacing requirements. Iowa DOT defines commercial or industrial areas based on the Iowa Code 306C.10(4). Based on the code those areas should have activities that are “generally recognized” in the State as commercial or industrial. A definition of commercial and industrial activities is determined based on a survey, conducted among zoned jurisdictions. In Louisiana commercial or industrial areas are identified as those areas, which are designated for business, industry, commerce or trade pursuant to a State or local zoning ordinance or regulation. The State of Michigan defines business areas (commercial, industrial, manufacturing, service or similar classifications) as the areas that are located within 1 mile of an incorporated municipality. If a given area is located beyond 1 mile of an incorporated municipality, it should be within 800 feet of an active commercial or industrial purpose on the same side of the roadway. Oregon determines commercial or industrial zone as the area, which is adjacent to the State roadway, and zoned for commercial or industrial use by or under State statute or local ordinance.

Texas DOT indicates that there must be 2 commercial/industrial activities adjacent to each other that are within 800 feet of the proposed sign site on the same side of the roadway. The commercial/industrial area should be at least 400 square feet. In Virginia commercial or industrial activities are defined as those activities, which are generally recognized as commercial or industrial by zoning authorities with a list of exceptions that are outlined in Administrative Code 24VAC30-120-10 (e.g., transient or temporary activities; activities not visible from the main-traveled way; agricultural, forestry, grazing, farming, and related activities, etc.). Full responses of the State DOT representatives, discussing laws and regulations that define commercial and industrial areas, are presented in Appendix F that accompanies this report.

Q11. Does your State have laws/regulations defining an urban area?

The survey results show that 32 States (or ≈62.7%) have laws and regulations, which define an urban area. The majority of State DOT representatives referred to the OA laws and regulations for definition of the term “urban area” (the list of those laws and regulations is presented in Appendix C). As a result of a detailed review of State laws and regulations, it was found that many States generally adopt a definition of “urban area” (with or without minor modifications) from Title 23 of the United States Code (USC, 2012):

“The term "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire”.

The term “urbanized area” is defined in Title 23 of the United States Code (USC, 2012) as follows:

“The term "urbanized area" means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall

encompass, at a minimum, the entire urbanized area within a State as designated by the Bureau of the Census”.

Furthermore, throughout review of responses from State DOT representatives it was found that some States, which indicated that they do not have laws and regulations that define an urban area, indeed do rely on the definition provided in Title 23 of the United States Code.

3.4. Federal OAC Program Administration

Q12. Does your State conduct regularly scheduled sign inventories?

A total of 38 State DOTs (or $\approx 74.5\%$) indicate that they conduct regularly scheduled inventories of advertising signs. The distribution of States by the sign inventory frequency is presented in Figure 7. It was found that most of the States perform either annual (15 States or $\approx 29.4\%$) or bi-annual (9 States or $\approx 17.6\%$) sign inventory. Arizona, Minnesota, North Dakota, and South Carolina indicate that they generally conduct the inventory of advertising signs twice a year. Arkansas and Tennessee perform the sign inventory on a quarterly basis. A total of 8 States (or $\approx 15.7\%$) reported other sign inventory frequencies, which are described in Table 6.

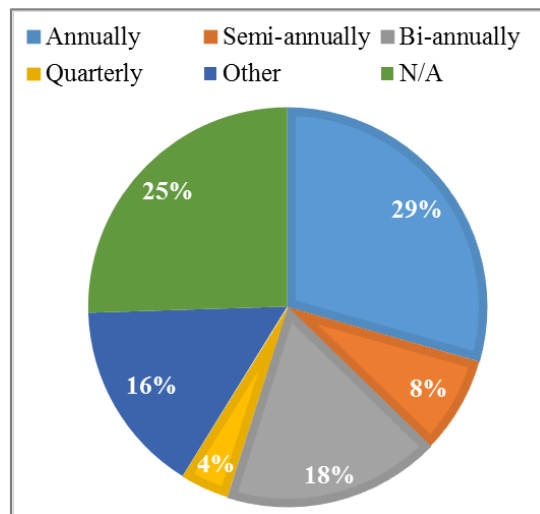


Figure 7 Distribution of States by the sign inventory frequency.

The State of California performs the advertising sign inventory on as needed basis. Massachusetts and Mississippi conduct a continuous inventory of their advertising signs, while New Jersey and Oregon generally schedule the advertising sign inventory every 3 to 4 years. The State of Nebraska indicates that along with a continuous inventory, the signs are being inspected 2 months prior any renewal notices to make sure that they are in compliance. Virginia performs the inventory of their advertising signs twice a year for the Interstate highway segments and one a year for National Highway System/Federal-Aid Highway Program highway segments. The State of Wisconsin mentions that they conduct the advertising sign inventory but not with a specific frequency due to limited resources. Certain States (13 States or $\approx 25.5\%$) underline that currently they do not conduct any scheduled inventories of advertising signs. The State of Iowa highlights that they do not perform a regularly scheduled sign inventory, but every year they select randomly around 10 counties for a detailed sign inventory.

Table 6 Other sign inventory frequencies.

| State | Sign Inventory Frequency |
|---------------|---|
| California | Surveys done on a routine as needed basis. |
| Massachusetts | We have 3 inspectors who cover the entire state. They conduct regular inspections both as part of their job responsibilities and in response to third party complaints. |
| Mississippi | Continuously maintained in database through ODAweb program. |
| Nebraska | Other than constant/ongoing surveillance by personnel, signs are specifically observed 2 months prior to any Renewal Notices being mailed out to determine if signs are still in compliance. |
| New Jersey | All roadways are reviewed on a three to four year schedule. |
| Oregon | The State does a physical inventory of each permitted sign every third year, and provides physical inventory of any areas that are added to the State or National Highway System, as well as periodic surveillance as needed in the intervening years (usually related to complaints received by the program from other state and local agencies, or private citizens). |
| Virginia | Interstate twice a year. NHS/FAP once a year. |
| Wisconsin | Regular inventories are the ultimate goal but they are currently conducted to the best of our ability with limited resources. |

Q13. Does your State use an automated data collection/inventory system?

A total of 23 States (or $\approx 45.1\%$) indicate that they have in place an automated data collection/inventory system. Certain States also provided a short description of the automated data collection/inventory system they using. A description of the automated data collection/inventory systems adopted in different States is provided in Table 7.

Table 7 Description of the automated data collection/inventory systems.

| State | Automated Data Collection/Inventory System |
|----------|---|
| Arizona | We are in the process of updating our very old Access database. The database is still good, but we want to automate the application and payment processes while updating our overall system. |
| Delaware | Has been in use since 2012 for most of the counties in the State. We have just completed an enhancement which should allow us to have the remaining counties begin to use it. It is a work in progress; however, should become more user friendly and efficient with this new phase. |
| Florida | It has been in use since 1998, it is relatively efficient, but does not do everything that we would like for it to do. A new updated system is in the works. |
| Illinois | We have been using a mobile inventory data collection system since 2010. It has the ability to pick up sign locations at highway speed. The initial unit has been replaced with a more technologically advanced unit in 2016. We also use hand held GPS data loggers and surveillance tracking methods. We have developed an on-line database to house all inventory data and documents along with displaying the controlled routes and signs through the use of GIS. |
| Indiana | The Electronic Permitting System. It was updated June 2016. EPS 2.0. More updates were added. |
| Kansas | ROAS – system has been in use since 2006. |
| Maryland | Computer program was designed in-house 2015. |

Table 7 Description of the automated data collection/inventory systems (continued).

| State | Automated Data Collection/Inventory System |
|----------------|--|
| Massachusetts | It has been in use for 6 years. There are no planned updates at this time. |
| Michigan | MDOT uses an on-line database called Internet Highway Advertising Program (IHAP), which retains permit information, sign location, pictures, generates renewals, generates notices, generates various reports. The sign locations were identified in Arc Map. Last year we started using the Arc Map through an app called Arc Collector. Much more efficient and easier to identify the exact sign locations using aerial photography. The permit information and pictures are attached to each sign point. Our problem is that because IHAP is outdated with current technology, the current IHAP system cannot be updated and the map cannot be integrated. I have been told by our IT Management that the system will be looked at in a few years for potential upgrading. |
| Mississippi | The present system was developed in house by MDOT 2009- 2010, awarded FHWA Excellence in ROW Streamlining and Integration Award in 2012 and is 100% efficient and is currently being utilized by ASSHTOware to develop OAC software to be available to all member states. It is regularly updated as necessary. |
| Missouri | In house Transportation Management System; updated regularly as necessary. |
| New Jersey | Automated inventory, not collection. |
| New York | We have had a few that keep track of our sign inventory but were/are not very efficient. Currently working on replacing current database. |
| North Carolina | An in house developed software use arc. |

Arizona DOT indicates that they rely on the Access database for data collection and inventory of advertising signs. The State of Illinois has been using a mobile inventory data collection system since 2010. Furthermore, they developed an on-line database to store all inventory data and documents along with displaying the controlled routes and signs via GIS. Indiana uses an electronic permitting system (EPS 2.0). Michigan developed the Internet Highway Advertising Program (IHAP), which retains permit information, sign location, and pictures and is able to generate renewals, notices, and various reports. Mississippi DOT mentions that they developed an efficient OAC software in 2009-2010, which received the FHWA Excellence in ROW Streamlining and Integration Award in 2012. New Jersey indicates that their system is limited to an automated inventory and cannot be used for automated data collection. The State of Pennsylvania utilizes the Highway Beautification Management System (HBMS) database, which allows managing the sign inventory and logging illegal signs. Moreover, web-based customers are able to apply for sign permits via the HBMS database. Washington DOT relies on the FileMaker database to track the inventory of off-premise signs, temporary agricultural signs, and illegal signs. A number of State DOT representatives point out that their automated data collection/inventory systems require upgrading and enhancement (Arizona, Delaware, Florida, Michigan, and others). The survey results show that 28 States (or $\approx 54.9\%$) do not have any automated data collection/inventory systems for advertising signs.

Q14. Does your State inventory system track the square footage of legal signs?

Q15. Does your State inventory system track the square footage of illegal signs?

Q16. Does your State inventory system track the square footage of nonconforming signs?

Q17. Does your State perform inventory of nonconforming signs?

Q18. Does your State record the reason why a sign is nonconforming?

Questions 14 through 18 of the questionnaire focus on the data, collected as a part of the inventory process, including the following: 1) the square footage of legal signs; 2) the square footage of illegal signs; 3) the square footage of nonconforming signs; 4) inventory of nonconforming signs; and 5) reason why a sign is nonconforming. Responses of the State DOT representatives have been analyzed, and results are summarized in Figure 8.

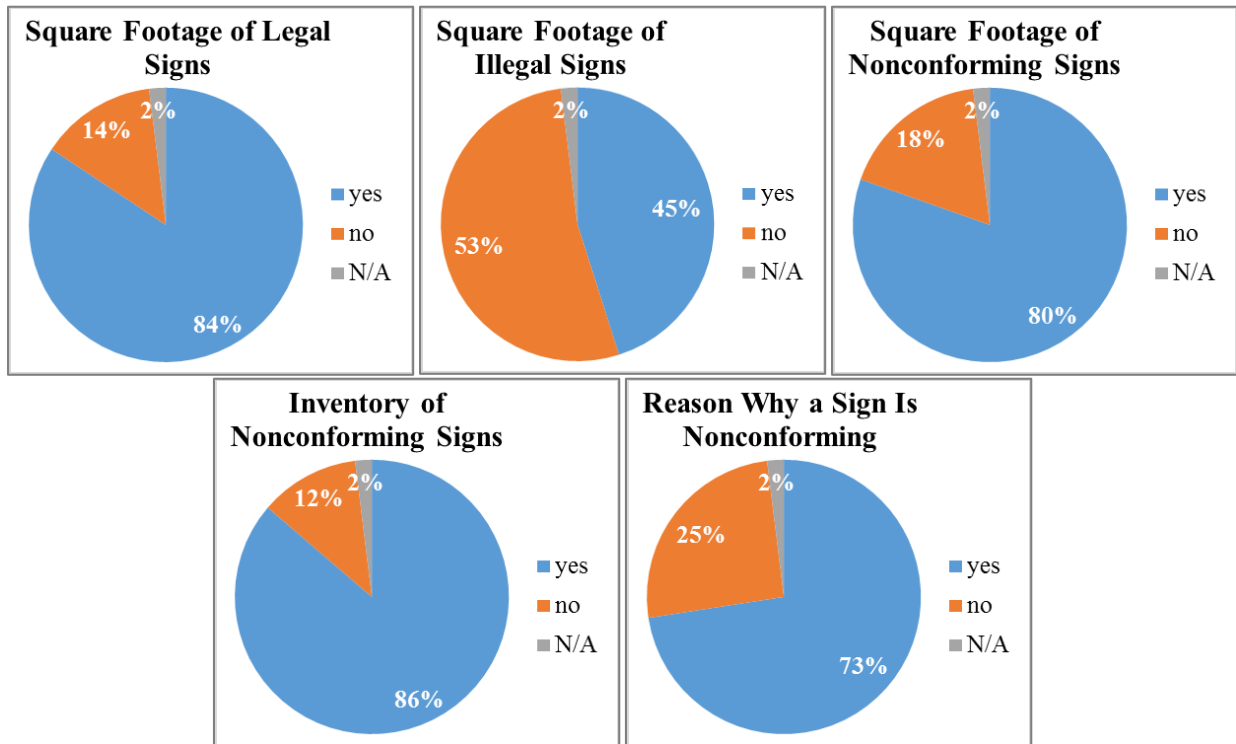


Figure 8 Data collection throughout the inventory process.

A total of 43 States (or $\approx 84.3\%$) indicate that they track the square footage of legal signs. The square footage of illegal signs is recorded in 23 States (or $\approx 45.1\%$) throughout the inventory process. District of Columbia and South Carolina note that they address removal of illegal signs immediately after identification. A total of 41 States (or $\approx 80.4\%$) mention that they track the square footage of nonconforming signs. However, the inventory of nonconforming signs is performed in 44 States (or $\approx 86.3\%$). A total of 37 States (or $\approx 72.5\%$) also record the reason why a given advertising sign is nonconforming. The State of Alabama indicates that they are in the process of establishing a database to track the square footages of their legal, illegal, and nonconforming signs. Hawaii did not respond to questions 14-18 (probably due to the fact that the billboards are prohibited in that State).

Q19. Have Federal dollars ever been utilized in the acquisition of nonconforming signs?

A total of 21 States (or $\approx 41.2\%$) indicate that Federal dollars have been utilized in the past to acquire nonconforming signs. Hawaii and Kentucky did not respond to this question. Some State DOT representatives had difficulties in answering this question as no Federal dollars had been utilized in the past to acquire nonconforming signs during their presence, but they were not sure if Federal dollars had been used before their presence. Iowa, Maine, and Maryland mention that Federal dollars were utilized in the beginning of the OAC program implementation.

Q20. Does your State perform inventory of illegal signs?

Q21. Does your State track the relevant dates of an illegal sign's life cycle?

The survey results show that the inventory of illegal signs is performed in 40 States (or ≈78.4%). Similar to question 15 (related to tracking the square footage of illegal signs) certain DOT representatives note that they generally address illegal signs immediately upon discovery (e.g., Arizona, District of Columbia, Iowa, New Jersey, and others). A total of 23 States (or ≈45.1%) indicate that they track the relevant dates of an illegal sign's life cycle (e.g., date observed, date of correspondence, legal dates, removal, etc.).

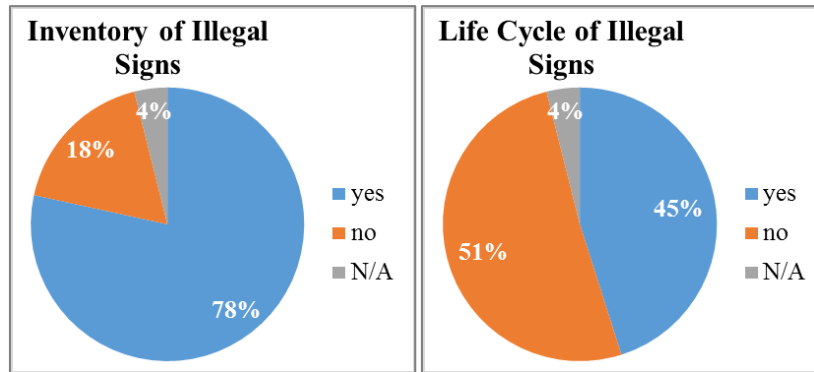


Figure 9 Inventory and life cycle of illegal signs.

Q22. Does your State have laws/regulations defining maintenance and continuation of nonconforming signs?

Q23. Please elaborate in a few sentences how your State handles the maintenance and continuation of nonconforming signs?

A total of 41 States (or ≈80.4%) indicate that they have laws and regulations defining maintenance and continuation of nonconforming signs. A description of those laws and regulations is provided in Appendix G that accompanies this report. Generally, the nonconforming sign owners are allowed to perform a routine maintenance (often referred to as “customary maintenance”) without making any substantial changes to the signs. A routine maintenance typically includes message changes, painting, stringer replacement, adding catwalks, replacing some of the support poles, bolts replacement, replacement of torn or destroyed face panels with in kind panels, etc. A major replacement of the support poles is generally prohibited. For example, Arkansas, Tennessee, and Texas report that they allow replacing only 50% of the sign support poles. Addition or updating of lighting to the non-illuminated structures is not allowed. A clear definition of “customary maintenance” (or “maintenance”) is generally provided in the State statutes and OA regulations. Some States also provide definitions of “modification”, “reconstruction”, “relocation”, and other relevant terms to highlight for the sign owners the main differences between those terms and “customary maintenance”.

Some State DOT representatives highlight that if the owners do not conduct an adequate maintenance of their nonconforming signs, the signs will be removed (e.g., Connecticut, District of Columbia, Ohio). For example, in the State of Connecticut if a given nonconforming sign is not being adequately maintained, the sign owner will receive a notice. The nonconforming sign will be removed by the State if no action has been taken within 30 days of issuing the notice. If

the nonconforming sign structure is damaged by 50% or more in North Carolina, the permit for that sign will be revoked and the sign will be removed. The State of Indiana removes nonconforming signs, which are damaged by more than 60%. On the other hand, Tennessee DOT allows the sign owners rebuilding destroyed or damaged nonconforming signs within a one-year time period. The State of Washington allows rebuilding the nonconforming sign only if it was destroyed due to vandalism or other criminal or tortious acts. Oregon prohibits reconstruction and relocation of nonconforming signs unless they become conforming. Substantial changes to nonconforming signs will also result in the sign removal.

Certain States have restrictions on the repair cost of nonconforming signs. For example, in Colorado, Virginia, and Wisconsin the nonconforming sign maintenance and repair cost cannot exceed 50% of the replacement cost per year. In Michigan the annual cost of customary maintenance and repair for nonconforming signs cannot exceed 40% of the replacement cost. However, Michigan DOT mentions that if a nonconforming sign is destroyed as a result of storm, fire or casualty, the maintenance and repair cost can go up to 60% of the replacement cost. The State of New York indicates that the customary maintenance and repair cost cannot exceed 15% of the current sign fair market value. A number of States apply additional requirements on maintenance of nonconforming signs. The State of Florida imposes restrictions on the amount of replacement materials, which could be used for repair of nonconforming signs; specifically, the amount of replacement materials cannot exceed 50% of the structural materials for a given nonconforming sign within a 24-month time period. Washington DOT indicates that a nonconforming sign cannot be maintained if its facing size increased by more than 15%. More details regarding laws and regulations, associated with maintenance and continuation of nonconforming signs, which were reported by State DOT representatives, are presented in Appendix G.

Q24. Does your State conduct regularly scheduled quality assurance (i.e., a detailed route inspection to ensure an adequate reporting)?

A total of 35 State DOTs (or ≈68.6%) indicate that they conduct a regularly scheduled quality assurance of advertising signs (i.e., surveillance). The distribution of States by the sign surveillance frequency is presented in Figure 10.

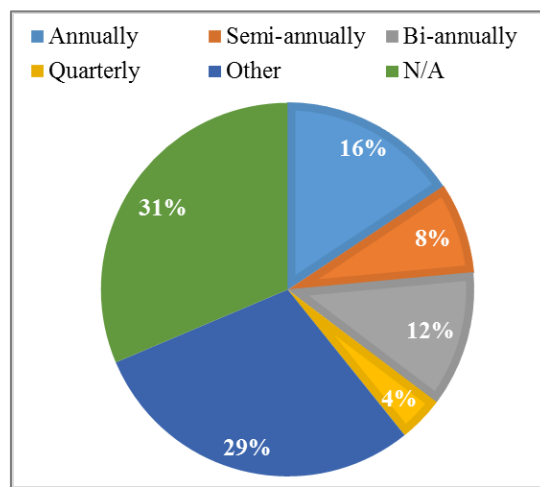


Figure 10 Distribution of States by the sign surveillance frequency.

It was found that most of the States perform either annual (8 States or ≈15.7%) or bi-annual (6 States or ≈11.8%) sign surveillance. Arizona, Florida, Minnesota, and South Carolina indicate that they generally conduct surveillance of the advertising signs twice a year. Arkansas and Tennessee perform the sign surveillance on a quarterly basis. A total of 16 States (or ≈31.4%) report other outdoor advertising sign surveillance frequencies, which are described in Table 8.

Table 8 Other advertising sign surveillance frequencies.

| State | Sign Surveillance Frequency |
|---------------|---|
| California | Surveys performed on a routine and as needed basis. |
| Colorado | Responded that they conduct a regularly scheduled quality assurance, but did not specify the frequency. |
| Hawaii | Performed by Highway Inspectors. |
| Maryland | Daily with field agents. |
| Massachusetts | Quality assurance inspections are conducted on an ongoing basis. |
| Michigan | The only inspections that are done in between inventories are those for new sign locations, to verify sign removals, or to investigate a report of an illegal sign. |
| Mississippi | OAC Permit Officers regularly monitor all routes in their assigned districts. |
| Montana | Responded that they conduct a regularly scheduled quality assurance, but did not specify the frequency. |
| Nebraska | Rules and regulations do not mention anything about surveillance (as it is probably combined with the sign inventory). |
| New Jersey | NJAC 16:41C-10. |
| New Mexico | NMDOT conducts regular quality assurance inspections (i.e. for verification of erection to spec. and to timeline for newly permitted signs, to verify sign violation corrections or removals, and to verify eminent domain issues, etc.). |
| North Dakota | Once every three years. |
| Oklahoma | Continually. |
| Oregon | Yes, as time and workload allow. Our sign program staff is a total of two FTE's for the State of Oregon, both located in the Salem office. Although we are able to leverage assistance from other ODOT staff, stationed throughout Oregon, our field work is mainly "as needed"; however, we do make a point of selecting different areas each month to surveil for compliance. |
| Rhode Island | Year long. |
| Virginia | Interstate twice a year. NHS/FAP once a year. |

The States of California and Oregon perform the advertising sign surveillance on as needed basis. Maryland, Massachusetts, Mississippi, New Mexico, Oklahoma, and Rhode Island conduct a continuous surveillance of their advertising signs. Michigan underlines that surveillance is generally performed in their State for the new signs, sign removals, and identification of reported illegal signs. Virginia performs surveillance of their advertising signs twice a year for the Interstate highway segments and one a year for National Highway System/Federal-Aid Highway Program highway segments. North Dakota reports that they conduct the sign surveillance once every three years. The States of Colorado, Hawaii, Montana, Nebraska, and New Jersey mention that they perform surveillance of outdoor advertising signs, but did not specify how often. Certain States (16 States or ≈31.4%) underline that currently they do not conduct any scheduled surveillance of advertising signs.

Q25. Are there any penalties imposed in your State associated with illegal signs?

A total of 35 State DOTs (or ≈68.6%) report that they impose penalties associated with illegal signs. The DOT representatives from 31 States provided additional details regarding the penalty structure they use, which are summarized in Table 9.

Table 9 Description of penalties associated with illegal signs.

| State | Penalties Associated with Illegal Signs |
|----------------|---|
| Alaska | AS 19.25.130 “A person who violates AS 19.25.080-.180, or a regulation adopted under AS 19.25.080-.180, is guilty of a misdemeanor and upon conviction is punishable by a fine not less than \$50 nor more than \$5,000.” |
| California | Business and Professions Code Section 5485: "A penalty of ten thousand dollars (\$10,000) plus one hundred dollars (\$100) for each day". |
| Connecticut | A fine of \$100/day for each day on which the violation occurs. |
| Delaware | \$10 to \$50 per day as long as the violation exists. |
| Florida | If the illegal sign is not removed as required the department will remove or contract for removal and assess all costs associated with the removal against the land owner. |
| Georgia | Basically, we can go through the legal process up to having the owner remove the sign. If the sign is not removed we have to go through the legal process of getting permission to remove the sign ourselves. Also, if the owner of an illegal sign has other permitted signs, actions on other signs can be stopped until the illegal sign situation is resolved. |
| Hawaii | Fines, Payment for Removal thru Legal Action. |
| Illinois | Signs erected or modified illegally (without permit) are subject to 30-day illegal sign notices, which require that the signs be either removed or brought into compliance (through permit process, if possible) within a 30-day period. Signs not brought into compliance will be removed by the Department at the owner’s expense. Illegal sign owners are not allowed to permit other signs. |
| Indiana | The penalty is removal of the sign. The legal process of sending letters to the sign owners starts the process. |
| Kentucky | KRS 177.990(2): "not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500)". |
| Maine | Maine statute levies a fine of not more than \$100 per sign, per day, together with the cost of removal of the signs. |
| Maryland | \$25.00 each for illegal advertising signs in the right of way. |
| Massachusetts | 700CMR 3.18 (no specific penalty values indicated, determined through legal actions). |
| Michigan | If MDOT ends up removing a sign, the sign owner is charged \$500 or double the cost of removal, whichever is greater. |
| Minnesota | Gross misdemeanor imposed by the county. |
| Mississippi | Section 1500 of Mississippi Outdoor Advertising Regulations: "Unlawful and/or illegal signs are to be expeditiously removed at the owner’s expense. The Maintenance Division of MDOT will pursue the removal of these signs as provided for in section 1306 herein". |
| Nebraska | Regs state permit will be cancelled and sign shall be removed. No monetary ‘fines’ imposed. |
| New Jersey | Penalties and fines may be imposed if not removed. |
| North Carolina | There are no fines associated with illegal signs but NCDOT can seek relief through superior county court, and offenders of our rules and regulation could face a class one misdemeanor charge. |

Table 9 Description of penalties associated with illegal signs (continued).

| State | Penalties Associated with Illegal Signs |
|----------------|--|
| Ohio | \$100.00 a day up to \$5,000.00. |
| Oregon | Civil penalties begin accruing on the 31st day after a Notice of Violation has been issued. The statute that allows civil penalties is ORS 377.992. |
| Pennsylvania | If the customer does not remove the illegal sign that cannot be permitted, the department forces will remove the sign-the sign owner is responsible to reimburse us. |
| South Carolina | A person who erects or maintains an advertising device in violation of Section 57 25 140 is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days for each violation. In addition, a person who violates the provisions of this chapter must be assessed by the department a civil penalty of one hundred dollars a day until the violation ends. A civil penalty must be paid to the department and allocated to the administrative costs of the outdoor advertising program. All monies in excess of the administrative costs must be used in the acquisition of nonconforming signs and may be carried over from year to year. No permit may be issued to a person who is in violation of the provisions of this chapter or who has not paid an assessed civil penalty. |
| Tennessee | Sign owners are issued a notice and given a specified amount of time specific to the infraction; once the notice has expired and/ or the customer has not attempted to correct the incident by the choice given, the Department will remove the illegal device and the owner will be charged three-times the cost of removal to regain possession of the sign. |
| Texas | An offense of this nature is a misdemeanor punishable by a fine of not less than \$500 or more than \$1000 each day of the proscribed conduct is a separate offense. |
| Utah | UCA 72-7-508. The costs and expenses incurred in removing the sign plus a penalty varying from \$500/day to \$1,500/day depending on the number of expiration days after notice of agency action was filed and served under Section 63G-4- 201. |
| Vermont | Statute calls for \$100/day or 30 days imprisonment. I am not aware that the penalties have ever actually been imposed. |
| Virginia | \$250 civil penalty per day. |
| Washington | RCW 47.42.080(3) allows us to assess a fine of \$100 per calendar day until the sign is brought into compliance or it removed. |
| West Virginia | If not removed, criminal complaint is filed and a fine may be issued from 50 to 500 dollars. |
| Wisconsin | Illegal signs are issued removal orders and do not receive compensation for the removal. |

It was found that the structure of penalties and penalty amounts significantly vary from one State to the other. Certain States (e.g., Alaska, Florida, Illinois, Kentucky, Michigan, and others) impose a lump sum fine (i.e., a single fine imposed one time). A number of States apply a recurring fine for each illegal sign (Connecticut, Delaware, Maryland, Ohio, Texas, and others). A combination of lump sum and recurring fines is used in California, Maine, South Carolina, and Utah. Some States determine the penalty value based on a legal process (e.g., Georgia, Hawaii, Indiana, Massachusetts, and others).

Q26. How does your State ensure timely removal of illegal signs?

A total of 41 State DOTs (or ≈80.4%) indicate that they have additional procedures in place to ensure timely removal of illegal signs, and 39 States provided a summary of those procedures. A detailed list of procedures, adopted in each State to ensure timely removal of illegal signs, is

presented in Appendix H that accompanies this report. Generally, State DOTs start the process with sending notification letters to the sign owner, and if the sign owner does not take any action the sign will be removed by the State. Pennsylvania DOT highlights that they typically hire a subcontractor to remove certain advertising signs (e.g., signs with electricity). However, the Pennsylvania districts are afraid of removing large/expensive advertising signs as they may not recoup the costs. In the State of Wisconsin the sign owners are given 30 days to appeal the removal order and 60 days to remove the sign. Wisconsin DOT removes the illegal sign, if it remains on the roadway after 60 days and no appeal was received. After removing the sign, Wisconsin DOT is required to store it for 30 days. The sign owners have to pay the removal cost, if they request the sign parts. Court hearings and legal procedures can be applied in some States as well (e.g., California, Colorado, Delaware, Indiana, Massachusetts, and others). A number of States utilize specific tracking systems to ensure that illegal signs are removed in a timely manner (e.g., Florida, Maryland). In many States field inspectors are responsible for confirming removal of illegal signs (e.g., California, Hawaii, Iowa, West Virginia).

Q27. Has a permitting and license program been adopted by your State to facilitate control and inventory of signs?

Q28. Is a permit issued by sign face, sign location, or facing direction?

A total of 48 State DOTs (or $\approx 94.1\%$) issue permits for outdoor advertising signs. Alaska, Hawaii, and Vermont do not issue permits for outdoor advertising signs (probably due to the fact that the billboards are prohibited in those States). The distribution of States by the permit issuing method is presented in Figure 11.

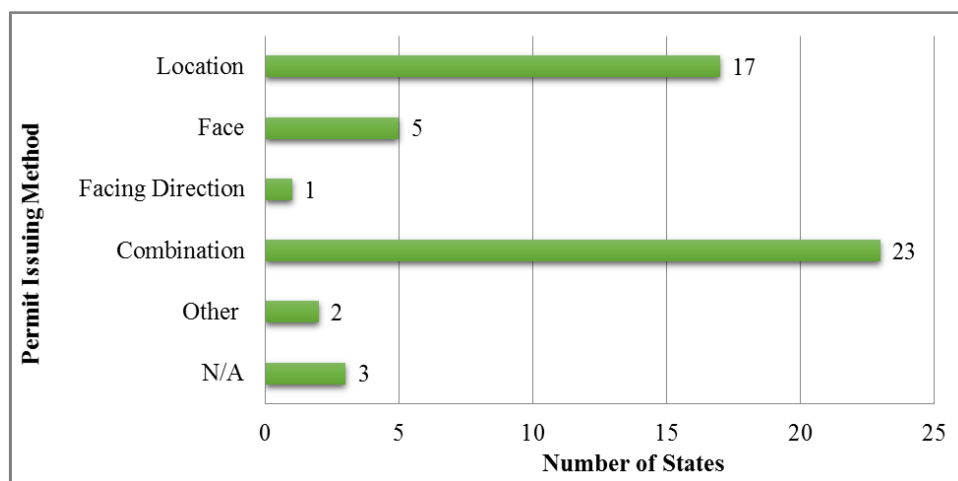


Figure 11 Distribution of States by the permit issuing method.

It was found that 17 State DOTs (or $\approx 33.3\%$) issue the sign permits by location, while 5 State DOTs (or $\approx 9.8\%$) issue the sign permits by face. The State of Iowa underlines that they issue the permits for outdoor advertising signs by facing direction. A total of 23 State DOTs (or $\approx 45.1\%$) indicate that they use a combination of methods for issuing the sign permits, and description of those methods is presented in Table 10. Several State DOTs issue the sign permits by location and face (e.g., Florida, Maryland, Michigan). Location, face, and facing direction are used to issue the advertising sign permits in New Jersey, South Carolina, Wisconsin, and Wyoming. Other State DOTs use additional information to issue their permits such as mile post, sign size,

spacing, sign type (i.e., static, digital, tri-vision, transit shelter/bench, etc.), sign shape, and others. The States of Illinois and Tennessee indicate that they use the other permit issuing methods for their advertising signs. Specifically, Illinois DOT issues one permit and tag by sign structure based on the square footage of the sign's face. Tennessee DOT issues permits by location, facing size, facing direction, zoning criteria, and spacing requirements.

Table 10 Permit issuing methods by combination.

| State | Permit Issuing Method |
|----------------|---|
| Arizona | It really depends on where a sign is to be placed. Permit is issued specifically for the sign, as it is intended to be built. If there are issues with the location, face direction etc.- we address them. We also have specific requirements for EVMS due to state law and dark sky preservation. |
| Arkansas | Permits are issued per structure at a specified location. Records include number of faces, size and direction. A new permit is required to add, enlarge, or convert signs to electronic devices. |
| California | V-shaped displays require 2 permits, otherwise 1 permit per structure. |
| Florida | A permit is issued for a specific location. Each facing is required to have a permit. |
| Indiana | Location is first and then the size of the face of the sign. |
| Kentucky | KRS 177.571-177.576; KRS 177.830-177.890; 603 KAR 10:002, 10:010, 10:021 |
| Maine | Maine DOT Official Business Directional Sign (OBDS) permits are issued to indicate direction of business as you enter an intersection. (Which direction to you turn and distance from intersection) Maine DOT Logo Sign permits are also issued to indicate which exit the traveler should use. |
| Maryland | Location; Face. |
| Michigan | Location; Face. |
| Minnesota | MnDOT issues by sign location and facing direction. |
| Nebraska | Various Classifications of signs (directional, official, or commercial advertising etc.) have different/specific criteria to follow; all with their own sign size, spacing, location criteria. CMS sign faces have more strict spacing requirements. Refer to attached Rules/Regulation. |
| Nevada | All of the above as well as mile posted to the highway or route. |
| New Jersey | All must be identified on our permit application and on permit issued. |
| New Mexico | NMDOT Outdoor Advertising Permits are issued by location to a specific sign structure at a specific location, and each separate advertising face (facing) on a sign structure requires a separate permit. Permits cannot be transferred from one site location to another, or from one sign structure to another. |
| North Dakota | Permits are sign- and location-specific, with location identified by the highway from which it is visible. |
| Oregon | Permits are issued for a single highway/mile point location, the side of the highway that the sign is on, the number of sign faces, the area of the each sign face and the type of sign (i.e. static, digital, tri-vision, transit shelter/bench...). |
| Rhode Island | Number of faces, size, digital/standard. |
| South Carolina | We use all above (location, face, and facing direction). |

Table 10 Permit issuing methods by combination (continued).

| State | Permit Issuing Method |
|---------------|---|
| Texas | The permit is site specific and is documented by GPS location. Additionally, they will only be issued a permit if the sign configuration proposed on the application is conforming to the regulations. |
| Washington | A permit is issued for the structure, we have a full description for each sign which includes location: side of hwy, sign facing, distance from nearest cross road and sign size: X feet by X feet, total area, shape and structure type. |
| West Virginia | Location; Face. |
| Wisconsin | The sign owner must specify all of the above on their application. |
| Wyoming | All of the above. |

Q29. Please elaborate in a few sentences how the acquisition of signs (i.e., removal of signs and compensation) is performed in your State?

A description of procedures, applied by State DOTs for the acquisition of advertising signs, is presented in Appendix I that accompanies this report. The State of Alabama indicates that they have never paid a compensation for removal of nonconforming signs (and no nonconforming signs have been ever removed). Alaska DOT generally gives a 30-day notice to the sign owners for removing nonconforming signs, and if no action is taken the State removes the sign at the owner's expense (without paying any compensations). California prefers to relocate the advertising signs instead of paying compensation to the sign owners. The State of Illinois indicates that their nonconforming sign acquisition program ended years ago; however, compensation will be provided if the sign is destroyed greater than 60%. New Jersey DOT mentions that they do not generally remove advertising signs with exception of illegal signs. Oregon underlines that they have not acquired any permitted signs since 1970-1980, and typically advertising signs are being relocated at the State's expense without acquisition.

The State of West Virginia indicates that they have not paid any compensation for acquiring nonconforming signs. Certain States do offer compensation to the owners for acquired advertising signs (e.g., Arkansas, Connecticut, Florida, Minnesota, New Mexico). Many States offer compensation for removal/relocation of the advertising signs due to highway construction projects (e.g., Colorado, Georgia, Iowa, Kansas, Nebraska). A number of State DOT representatives indicate that other DOT offices are generally involved in the sign acquisition process (e.g., Arizona, Delaware, Indiana, Louisiana, Massachusetts). Furthermore, the State DOT representatives underline that no compensation will be paid to the sign owners for removal of illegal advertising signs.

3.5. Issues/Inconsistencies Associated with the Federal OAC Program Implementation

Q30. Are there any new technology challenges associated with the OAC program implementation in your State?

A total of 21 State DOTs (or $\approx 41.2\%$) report that they experience the new technology challenges associated with the OAC program implementation. Certain States provided some additional information regarding their new technology challenges, which are presented in Table 11. Many States indicate that there are issues associated with the digital technology implementation (e.g., Connecticut, District of Columbia, Illinois, Maryland, Massachusetts, and others). The State of

Arizona mentions that that they have regulations on the Electronic Variable Message Signs (EVMS), but there are issues associated with mobile outdoor advertising. Arkansas DOT highlights that light-emitting diode (LED), electronic and digital signs lawfully erected as on-premise devices can be used illegally as off-premise signs in their State. California indicates that it is difficult to measure the size of certain displays to ensure compliance.

Table 11 Federal OAC program new technology challenges.

| State | New Technology Challenges |
|----------------------|--|
| Arizona | We do have legislation that addresses where Electronic Variable Message Signs (EVMS) can and cannot be. We have been getting more calls on mobile ODA, which is a pain and there's really little I can do to regulate it right now without laws addressing it. The other issue we have is on premise technology vs off premise. We are a dark sky state. Lots of observatories. We are trying to work with customers while being mindful of the dark sky; and the sky is affected by on and off premise advertising, but we only regulate off premise. |
| Arkansas | Light-emitting diode (LED), electronic and digital signs lawfully erected as on-premise devices can be used illegally as off-premise signs. It is difficult to stop this practice. |
| California | Measuring exact size of displays are challenging to ensure permitted configuration compliance. |
| Connecticut | We require all existing permit holders to apply for a new permit should they wish to convert a sign to digital. This is considered a substantive change. |
| District of Columbia | Enforcement of digital signage – lighting standards and FMV. |
| Georgia | Our DOT accounting office is consolidating invoice and payment for all offices and we are currently working with them to figure out how we can work with them while making sure that we can maintain a good process. |
| Illinois | Digital signs are an issue causing interference from the travelling public and aircraft at the major airports. |
| Maryland | Digital signs and no state regulations. |
| Massachusetts | The technology around digital advertising presents new challenges as the industry is quickly changing and they are always looking for creative ways and mediums on which to display such advertising. We have seen this with advertising on such things as street furniture, bus shelters, kiosks and transportation information panels. |
| Michigan | MDOT has received a lot of pushback from small sign owners who have Directional Sign Permits. Content is limited for these types of signs. However, because of access to cell phones and internet, they feel that they should be able to include phone numbers or website addresses on directional signs. |
| Minnesota | Drone advertising, luminous glow from electronic display signs. |
| New Jersey | Funding for same. |
| North Carolina | At times we have had complaints about the brightness of a digital face. |
| Ohio | Digital sign considerations, web-based permitting and inventory management. |
| Oregon | ODOT is currently experimenting with the use of drones to surveil roadways; however, the regulations around drone usage are restrictive for state agencies so common use has not occurred yet. |

Table 11 Federal OAC program new technology challenges (continued).

| State | New Technology Challenges |
|---------------|---|
| Rhode Island | Digital technologies. |
| Tennessee | Maintain Log Miles that reflect the actual location of outdoor advertising devices. The Log Miles used to determine the location of a structure may change based on new technology implemented by other departments within the State of TN. |
| Utah | Digital on-premise signs. They frequently display off-premise content and wait for us to catch them or begin agency action to remove. Prone to frequent recidivism! |
| Washington | Bright lights on electronic on premise signs or digital billboards on tribal lands. |
| West Virginia | Attempting to update permit and place all documents online. |
| Wisconsin | In the future, what should happen when a nonconforming digital/electronic sign face ceases to work? Does the sign owner get to install an entirely new digital/electronic board? Or has the sign surpassed its useful “life?”. |

Georgia DOT mentions that they allocated additional funding to ensure an efficient application of new technologies for outdoor advertising signs. Minnesota and Oregon indicate that they use drones for the advertising sign surveillance. However, as pointed out by Oregon DOT, the State regulations impose certain restrictions on the use of drones. New Jersey DOT underlines that successful development and implementation of new technologies for outdoor advertising is dependent on additional funding. Tennessee DOT indicates that the Log Miles (used for location identification) of advertising signs may change from new technology implementation. The State of Wisconsin mentions about potential challenges associated with nonconforming digital/electronic signs, which cease to work.

Q31. Are there any vegetation control issues associated with the OAC program implementation in your State?

The vegetation control issues, associated with the Federal OAC program implementation, were reported by 22 States (or ≈43.1%). A number of States also provided details regarding the vegetation control issues, which are presented in Table 12. Many State DOTs indicate that certain outdoor advertising sign owners remove vegetation without having the State authorization (e.g., Alabama, Arkansas, Delaware, Maryland, Massachusetts, and others). Alabama DOT highlights the issue of not being able to revoke the sign permit and remove the sign due to illegal vegetation control. The State of Indiana mentions that some companies may park on the right of way in order to remove vegetation. Along with illegal vegetation removal, Tennessee DOT indicates that some companies partially leave the removed vegetation on the right of way.

Table 12 Federal OAC program vegetation control issues.

| State | Vegetation Control Issues |
|----------------|--|
| Alabama | The inability to have a sign permit revoked and sign removed when there has been illegal vegetation control on ROW. |
| Arizona | We are addressing them by working with the ODA customers where we can. However, the roadway view is never guaranteed. |
| Arkansas | Owners still cut illegally because they don't want to obtain a permit. |
| California | Landscape laws are in effect and displays are prohibited on officially designated landscaped freeways. |
| Connecticut | We require all permit holders to obtain a permit from our maintenance department prior to the trimming of any vegetation. |
| Delaware | We still have trees that are illegally destroyed occasionally. Although we are fairly certain we know the company behind it, we have not been able to find evidence to link the destruction to them. |
| Illinois | Sign owners wishing to remove vegetation blocking or obstructing their sign must first obtain a vegetation removal permit from the Department's Bureau of Operations. |
| Indiana | Permits are needed to remove vegetation from the signs so they are visible from the highway. Sometimes the company parks on the ROW to do this and INDOT has had to contact the company and give them a warning. |
| Maryland | Sign companies illegally cut trees in the r/w. |
| Massachusetts | On occasion a billboard company will trim trees or remove trees in violation of MassDOT policy and without the required permit from the Highway District. Our legal department and Highway District Offices issues violation notices and pursues damages. |
| North Carolina | At times there have been visible issues, as to whether a face can be completely visible along the edge of the route. |
| North Dakota | NDCC 24-17-12. |
| Oregon | ODOT District Staffs work hard to keep a balance between "beautification" and the "business need" of trimming or removing vegetation for outdoor advertisers. The sign program has not received any complaints in the past 4 years, regarding vegetation from outdoor advertisers; however, we've received several complaints from staff that vegetation has been cut or removed without permits, to the benefit of the visibility to some signs, especially in the metro areas. |
| Pennsylvania | Sign owners cannot cut vegetation for the erection of a new sign, but some of them do it anyway. |
| South Carolina | We have a vegetation management program. |
| Tennessee | Illegal cuts; improper cleanup after vegetation removal. |
| Virginia | Companies may cut vegetation 6 inches or less in diameter in front of a billboard with a Vegetation Control Permit. |
| West Virginia | Advertisers are always attempting to find a loophole to cut state vegetation. Either at the time of permitting or clear cutting with a beautification type permit. |
| Wisconsin | Wisconsin Statute 84.305. |

Q32. What are the areas most difficult to regulate? (Areas can be geographical, zoning designations, urban vs. rural, incorporated vs. unincorporated). Please elaborate.

A total of 46 States (or ≈90.2%) described the areas that are the most difficult to regulate. The distribution of States by regulatory difficulties reported is presented in Figure 12. Many States highlight the existing challenges associated with zoning identification (e.g., Arizona, Arkansas,

California, Florida, Georgia, and others). Alabama, Alaska, Colorado, Kansas, and Nebraska indicate that rural areas are the most difficult to regulate in their States. Challenges in regulating urban areas are reported by District of Columbia, Maine, Rhode Island, and Virginia. District of Columbia indicates that it is very difficult to comply with the Federal OAC program requirements in a fully built urban environment. The States of Michigan, North Dakota, Ohio, and Utah underline difficulties in regulating urban/rural areas and zoning designation. The removal of illegal signs is reported to be challenging in Minnesota and New Jersey. Delaware, Iowa, Missouri, New Hampshire, and South Carolina mention that currently they do not experience major difficulties in regulating any specific areas.

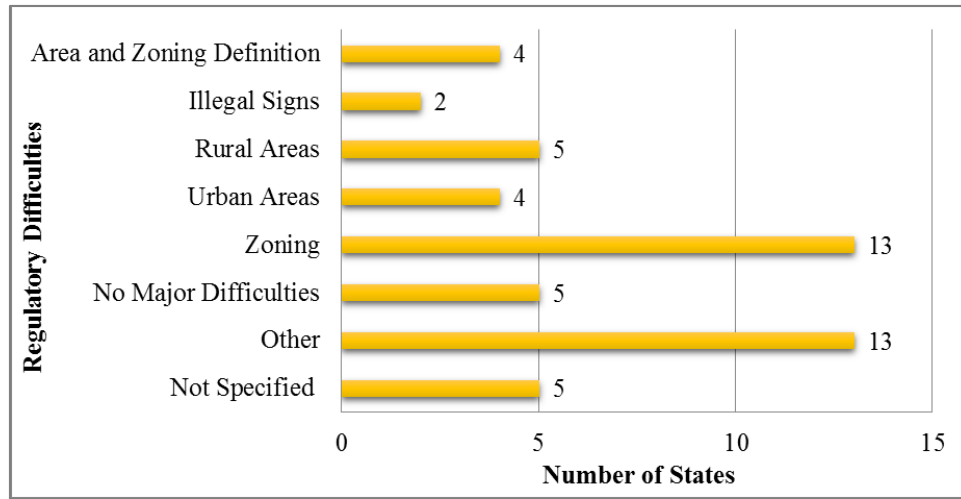


Figure 12 Distribution of States by regulatory difficulties reported.

A number of States report some other regulatory difficulties. Connecticut DOT highlights challenges in regulating the areas, located in a residential zone on a State road that is not part of the National Highway System. The State of Massachusetts underlines that one of the major issues relates to interpretation of how spacing is measured (e.g., straight line vs. incorporating geometry of the roadway). Mississippi DOT points out that it is difficult to force companies on the private property to comply with the OAC regulations. The State of New York highlights that implementation of the Federal OAC program itself is very challenging due to understaffing. North Carolina mentions that some sign owners obtain both State and local permits and follow only the State regulations as they are less strict. Oregon DOT indicates that it is difficult to regulate those areas which are geographically dense and already populated with a large number of permitted signs. Washington DOT underlines the difficulty in regulating the Interstate routes, as they have more and brighter advertising signs. Wisconsin DOT indicates that the Interstate routes are difficult to regulate, where the on-property sign owners have been challenging “the 50-foot requirement” and the off-property sign owners have been challenging the zoning requirements. Mountainous areas are generally difficult to regulate in the State of Wyoming. More details regarding the area, which are difficult to regulate based on the Federal OAC program requirements, are provided in Appendix J that accompanies this report.

Q33. Does the industry challenge violations regarding maintenance/removal of the nonconforming signs in your State?

The survey results show that the industry challenges violations regarding maintenance/removal of nonconforming signs in 26 States (or ≈51.0%). Arkansas DOT mentions that industry challenged the removal of nonconforming signs, but they failed to renew the sign permits in a timely manner. The State of Florida indicates that there have been several challenges from the companies, which lost their billboards due to an act of God (tornado, storm, hurricane, etc.). Some State DOTs report that there have been court cases due to violations regarding maintenance/removal of nonconforming signs (Illinois, Indiana, Iowa, New York, North Dakota, and others). As a result of court cases Illinois DOT had to make certain changes in their regulations and better define policies. The State of Maine indicates that businesses are not always in agreement with the existing State laws. North Carolina mentions that there have been a few violations in the past, but generally large sign companies comply with nonconforming sign rules and regulations. Ohio DOT indicates that they are currently revising their regulations and intend to remove an “Act of God” provision, according to which the nonconforming sign owners are allowed to rebuild signs destroyed by weather events. The State of Oregon highlights that common challenges are caused by the fact that term “maintenance” is confused with term “reconstruction”. Texas DOT reports that the sign owners often make substantial changes to nonconforming signs and then appeal in the court cancellation of their sign permits.

3.6. Other

Q34. Is there any duplicative administrative oversight by local governments on the same outdoor advertising signs or regulatory routes?

A total of 30 State DOTs (or ≈58.8%) mention that there is a duplicative administrative oversight by local governments on the same outdoor advertising signs or regulatory routes in their States. Certain States also provided details on the duplicative administrative oversight by their local governments, which are summarized in Table 13. Many States point out that local jurisdictions have their own requirements for outdoor advertising signs regarding sizing, spacing, lighting, placement, and other attributes. A number of State DOT representatives highlight that some cities and counties in their State have stricter outdoor advertising regulations (e.g., Arkansas, Illinois, Mississippi, Missouri, Nebraska, and others). Certain State DOTs indicate that they require for a sign owner to obtain a local government approval before applying for the State advertising sign permit (e.g., Arizona, California, Florida, Illinois, Kentucky, and others). Georgia DOT underlines that the local government regulations generally focus on different aspects of outdoor advertising, and overlapping of State and local requirements does not appear to be negative. Maine DOT indicates that their local jurisdictions typically rely on similar regulations, which are adopted by the State.

Table 13 Details on duplicative administrative oversight by local governments.

| State | Duplicative Administrative Oversight by Local Governments |
|---------------|--|
| Alaska | Potentially other departments (such as Natural Resources, Public Safety, etc.) may be involved. |
| Arizona | It is required that the sign owner obtains local jurisdiction approval prior to building the sign. |
| Arkansas | Some cities have more restrictive size and/or spacing requirements. Some cities prove more difficult because they do not enforce their own sign codes and issue permits or variances that clearly do not meet their own ordinances, especially when threatened with legal action or when a developer wants a sign. |
| California | It is a prerequisite for companies to first obtain building permits from the city/county before applying for a state outdoor advertising permit. |
| Colorado | Local zoning regulations, building permits, etc. |
| Delaware | Almost all local governments in the State require permitting of outdoor advertising structures in some manner. Although most have required only a building permit, some have considered charging annually to advertise as we do. |
| Florida | Several municipalities have their own sign codes/ordinances that they enforce. We mainly see this when it comes to the removal of illegal signs. Signoff from the local government is also a requirement for applicants submitting an application for a proposed sign location. |
| Georgia | Yes, but since the local government appear to be focused on other things, the overlap does not appear to be a negative thing. |
| Illinois | Local governmental entities can be more restrictive than the Department but not less so. The Department issues permits based upon our own law and rules. Sign companies, however, must also secure local permits, if required. |
| Kansas | In some cities, but this has not been an issue. |
| Kentucky | Local permits or approvals are required prior to receiving a state permit. |
| Maine | There are instances in which cities and towns have adopted either similar or the exact language found within the statutes with regard to Maine sign law. |
| Maryland | Local governments sometimes have better regulations. |
| Massachusetts | Many local municipalities have their own zoning laws and ordinances that may conflict. |
| Michigan | Most of the urban roadways are regulated under local control. However, because they are part of the NHS, we also have to regulate signs along these roadways. |
| Mississippi | Some Cities and Counties have stricter regulations than the State requires but they are generally similarly structured. |
| Missouri | Cities may be more restrictive than state requirements and may also regulate billboards on the same controlled routes. |
| Montana | Local ordinances. |
| Nebraska | All larger cities and now smaller Cities AND Counties are implementing Sign Regulations/Ordinances. We are finding that many larger cities have stricter regulations (as to size, spacing, etc.); when this happens the stricter of the two regulations must be adhered to. |
| Nevada | City or county. |

Table 13 Details on duplicative administrative oversight by local governments (continued).

| State | Duplicative Administrative Oversight by Local Governments |
|--------------|---|
| New Mexico | Numerous local governmental entities such as municipalities, towns/villages, counties, and Extra Territorial Zones/Jurisdictions (ETZ/ETJ), etc. regulate signage in their jurisdictions along routes that also come under the Highway Beautification Act and that also come under the NMDOT jurisdiction for enforcement of control of outdoor advertising. When this occurs, NMDOT maintains its jurisdiction for oversight and enforcement. Local governmental entities can be more restrictive than NMDOT, but cannot be less restrictive than NMDOT. |
| Ohio | Many municipalities have their own sign ordinances regarding size, lighting, placement, etc. |
| Oregon | There is often a permitting process for outdoor advertising signs through local jurisdictions; however, they often are more restrictive than ODOT's requirements. ODOT requires the approval of the local jurisdiction for every application for a new, reconstruction, or relocation permit, prior to issuing the permit. |
| Tennessee | But, the state of TN is govern by their own rules. |
| Texas | Cities are allowed to have their own ordinances to control signs in their incorporated city limits as well as their extra territorial jurisdiction and this city control is independent of the state's control. |
| Utah | This probably really depends on your perspective and definition of duplicative oversight. In Utah, the applicant must submit an approved building permit from the local government or a letter from them saying a permit is not required (which is almost never). This, in and of itself, implies some process, payment, and regulatory duplication. Nonetheless, this dual permitting approach works in the State, but it is technically duplicative. |
| Vermont | Local zoning may be more restrictive than state law regarding on-premise signing. |
| Virginia | Some localities regulate zoning and spacing. |
| Washington | Local agencies have laws, MAP 21 added local routes to the NHS system. |
| Wisconsin | Certain locals do have sign regulations and there are also approximately 23 certified cities in Wisconsin. |

Q35. Are your State laws more restrictive than your Federal/State agreement?

The survey results show that in 29 States (or ≈56.9%) the existing State laws are more restrictive than the Federal/State agreement. Some States report the major aspects of their laws, which are more restrictive as compared to the Federal/State agreement. The list of State law aspects, which are more restrictive than the Federal/State agreement, is presented in Table 14.

Table 14 List of State law aspects that are more restrictive than Federal/State agreement.

| State | State Law Aspects that Are More Restrictive than Federal/State Agreement |
|----------------------|---|
| Arizona | In some ways, mostly due to technology. |
| California | State landscape laws are in effect and displays are prohibited on officially designated landscaped freeways. |
| Delaware | In areas. |
| District of Columbia | The local regulations are much more detailed than the Federal/State agreement. |
| Florida | Our spacing along FAP's and Interstates is 500' more than what the Federal/State agreement requires. We also limit the facing size of a sign to 950 square feet whereas the Federal/State agreement allows for 1200 square feet per facing. |

Table 14 List of State law aspects that are more restrictive than Federal/State agreement (continued).

| State | State Law Aspects that Are More Restrictive than Federal/State Agreement |
|----------------|---|
| Georgia | Our restriction of stacked signs and distance requirements from parks and cemeteries are more restrictive than the Federal/State agreement. |
| Hawaii | State of Hawaii Law. |
| Illinois | Spacing along a primary highway within incorporated limits is 300' by law while Agreement is 100', and by law is 500' outside of incorporated limits and by agreement is 300'. And while max size is 1200SF in the Agreement, in law the max facing size is 1200' only in counties where the population is 2M or more and all other counties the max size is 800SF. |
| Louisiana | 1000 foot spacing on Interstates. |
| Maryland | Off-premise outdoor advertising signs are prohibited along Interstate highways. |
| Massachusetts | In regards to spacing requirements. |
| Michigan | Most of the language in our state statute is more restrictive than what is included in the original Federal/State agreement. |
| Minnesota | Don't know how they are more restrictive. |
| Mississippi | Some portions of the Rule are more specific and therefore more strict. |
| Missouri | Refer to State laws and Federal/State agreement. |
| Montana | Some. |
| New Jersey | Some. |
| New Mexico | The regulations are more restrictive as to maximum sign size. |
| North Carolina | There are many that are, but in general they follow the Federal/State agreement. |
| Oklahoma | Spacing has been increased from 500' to 1000' for urban areas. |
| Oregon | Oregon has some routes, or portions of routes, that have been designated as Scenic Areas or Scenic Byways at the state-level, which prohibit signs being relocated on them. Also there are some additional restrictions on all signs, visible to a state highway (including signs at business) for safety and prohibited activities, or lighting levels that may impact motorist safety. In addition, Oregon functions as a cap-and-replace program for sign permits. New permits are only issued under very limited and specific circumstances, for example, pre-existing, legally located signs on roadways, added to the National Highway System by the implementation of MAP-21, became eligible for "new" permits, but the permits are restricted in that, under Oregon law, the permits may only be used in the section of roadway that was added for that specific highway at the time of MAP-21 implementation. |
| Rhode Island | New technologies. |
| Texas | Our regulations are typically 2 to 3 times more restrictive than the federal regulations with regard to most everything, but namely, size, spacing, height, commercial/industrial activities in an unzoned area, access. In Texas by law a city can only zone in their incorporated city limits and any area outside of the incorporated limits is unzoned. |
| Vermont | We generally prohibit all off-premise commercial advertising. I am not sure what our agreement is with the feds. |
| West Virginia | Spacing is 1000' on FAI and controlled access route. |

The States of Arizona and Rhode Island indicate that their laws have stricter requirements regarding the new technology implementation than the Federal/State agreement. District of Columbia, Michigan, and Mississippi underline that their local regulations are more detailed (and

more restrictive) as compared to the Federal/State agreement. Some States specifically highlight that their regulations have stricter requirements than the Federal/State agreement in terms of sign spacing (e.g., Florida, Illinois, Louisiana, Massachusetts, Oklahoma, and others), facing size (e.g., Florida, Illinois, New Mexico, Texas), height (Texas), commercial/industrial activities in an unzoned area (Texas), and access (Texas).

Q36. Has your State’s Federal/State agreement ever been amended or modified?

A total of 7 State DOTs (or ≈13.7%) indicate that their Federal/State agreements have been amended, including the following: 1) Iowa (the amendment was made in 2006 and elaborated on the method in which the Bonus payment would be returned to FHWA); 2) Massachusetts (the amendment was made in 1980); 3) Mississippi (the amendment defined the interchanges); 4) New Jersey (the amendment was made in 1970-1980); 5) Oregon (the amendment was made in 2002 and additional updates are required with respect to on-premise/off-premise signage); 6) Tennessee (the amendment introduced modifications for the sign spacing and size); and 7) Wyoming (the amendment was made in 2010). District of Columbia and Illinois underline that they have not amended their agreement yet, but are in the process of making changes. As a result of upcoming amendment in the Federal/State agreement the State of Illinois expects not to be a Bonus State anymore.

Q37. Are there any criteria used to evaluate effectiveness of the Federal OAC program in your State?

The survey results show that effectiveness of the Federal OAC program is evaluated in 20 States (or ≈39.2%). The reported effectiveness criteria are presented in Figure 13. A total of 10 States (or ≈19.6%) indicate that effectiveness of the Federal OAC program is evaluated based on the FHWA reviews.

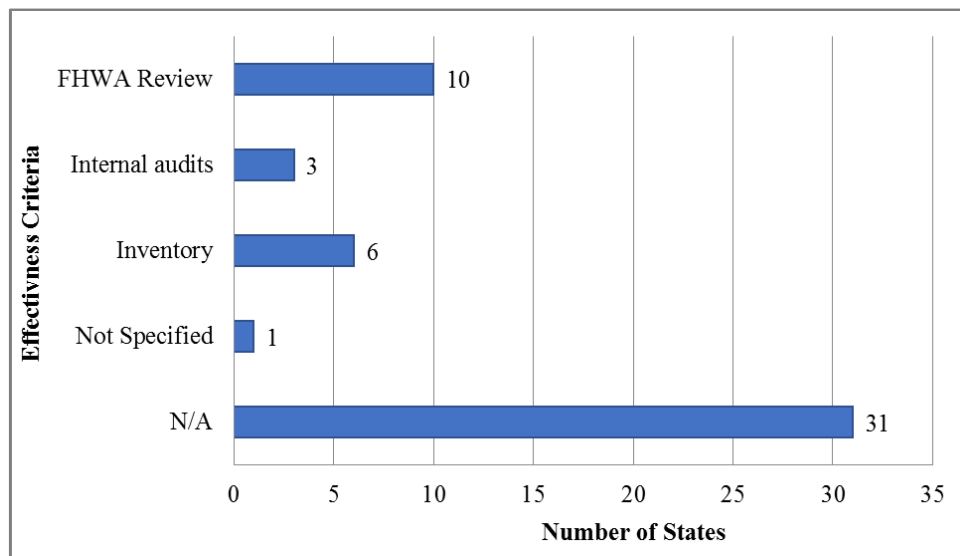


Figure 13 Distribution of States by the OAC program effectiveness criteria.

In 6 States (or ≈11.8%) effectiveness of the Federal OAC program is assessed throughout the inventory process (e.g., the number of illegal signs removed, the number of back-logged appeals, review of sign permits, spacing of signs, etc.). The States of Colorado, Illinois, and North Dakota

conduct internal audits and process reviews in order to monitor effectiveness of the Federal OAC program. Louisiana DOT mentions that they have the OAC program effectiveness criteria, but did not specify those criteria. The rest of State DOTs (i.e., 31 State DOTs or $\approx 60.8\%$) indicate that currently they do not have any criteria, which could be used to assess effectiveness of the Federal OAC program implementation.

Q38. Please provide a copy of your State's Federal/State agreement.

A total of 39 State DOTs (or $\approx 76.5\%$) provided copies of their Federal/State agreements. For the rest of States Federal/State agreements were downloaded from the FHWA webpage (https://www.fhwa.dot.gov/real_estate/oac/fsa/).

Q39. Please provide a copy of the laws and regulations your State utilizes to control outdoor advertising.

A total of 46 State DOTs (or $\approx 90.2\%$) provided copies of their laws and regulations, which are used to control outdoor advertising. For the rest of States the FAMU-FSU research team was able to obtain publicly available copies of the outdoor advertising laws and regulations (which are generally provided on the official DOT webpages).

Q40. Please provide any procedures your State may utilize for the control of outdoor advertising.

A total of 25 State DOTs (or $\approx 49.0\%$) provided copies of their procedures, which are used to control outdoor advertising. For certain of States the FAMU-FSU research team was able to obtain publicly available copies of the outdoor advertising procedures (which are generally provided on the official DOT webpages).

4. SUMMARY OF FINDINGS

This section of the report presents the key findings, which were identified as a result of the collected data analysis, with focus on practices revealed in the State of Florida. The findings can be summarized as follows:

F1. The majority of State DOT offices (a total of 31 State DOTs or $\approx 60.8\%$), responsible for the OA program implementation, perform either Right of Way or Maintenance operations (based on the responses to question Q2). *The Right of Way Division is responsible for OA in Florida.*

F2. A total of 21 Bonus States (or $\approx 41.2\%$) were identified as a result of the conducted survey (based on the responses to question Q3). Hawaii and Vermont did not classify themselves as Bonus States. Certain States received their Bonus payments in 1980s. The majority of Bonus States indicate that date of the last Bonus payment is unknown. *The State of Florida is not a Bonus State.*

F3. Only South Dakota DOT indicates that they were sanctioned for noncompliance with the Federal OAC program in the past and had a reduction in Federal funding. Other States (including Florida) mention that they have never had penalties as a result of loss of effective control (based on the responses to question Q4).

F4. All State DOT representatives, participated in this survey, indicate that they have laws and regulations in place to control outdoor advertising (based on the responses to question Q5).

F5. The majority of State DOTs (i.e., 21 State DOTs or $\approx 41.2\%$) underline that the procedures, which are used to control outdoor advertising, are primarily driven with the existing State laws and regulations (based on the responses to question Q6). Approximately 23.5% of State DOTs have separate guidelines and manuals that specifically outline the outdoor advertising procedures. *“Motorist Information and Highway Advertising: Regulation Procedure Manual” outlines the OA procedures, adopted in the State of Florida.*

F6. A total of 26 State DOTs (or $\approx 51.0\%$) have a program in place to improve the visibility of outdoor advertising signs from the main-travelled way (based on the responses to question Q7). Most of the State DOT representatives underline that the sign owners are required to apply for a permit in order to remove vegetation. *The State of Florida allows the sign owner to apply for the vegetation management control if certain requirements are met.*

F7. The question regarding definition of inside/outside urban boundaries and inside/outside incorporated areas (i.e., question Q8) was found to be confusing for many State DOT representatives. Some DOT representatives described how the effective control areas are determined (e.g., inside urban areas within 660 feet from the right of way; outside urban areas visible from the main-traveled way), but did not explain how inside/outside incorporated areas and inside/outside urban areas are designated. A number of States, *including Florida*, indicate that they obtain the information from local governments regarding the inside/outside incorporated areas of cities, while the urban boundaries are determined using the internal databases or maps.

F8. The majority of State DOTs (i.e., 24 State DOTs or $\approx 47.1\%$) use both map and written description for identification of State routes under outdoor advertising control (based on the responses to question Q9). Maps are primarily used in 14 States (or $\approx 27.5\%$). A total of 8 States mention that they rely on some alternative methods for defining the OAC routes (e.g., Straight Line Diagrams, custom information management systems, GIS). *The State of Florida uses the Straight Line Diagrams for identification of routes under outdoor advertising control.*

F9. A total of 43 State DOTs (or $\approx 84.3\%$) indicate that they have State laws and regulations defining commercial and industrial areas (based on the responses to question Q10). Generally, the commercial/industrial area is defined as the area which is zoned for business, industry, commerce or trade; or the area, which is located within a certain distance (which may vary from one State to another) from commercial/industrial activity.

F10. It was found that 32 States (or $\approx 62.7\%$) have laws and regulations, which define an urban area (based on the responses to question Q11). As a result of a detailed review of State laws and regulations, it was found that many States generally adopt a definition of “urban area” (with or without minor modifications) from Title 23 of the United States Code.

F11. A total of 38 State DOTs (or $\approx 74.5\%$) indicate that they conduct regularly scheduled inventories of advertising signs (based on the responses to question Q12). It was found that most of the States perform either annual (15 States or $\approx 29.4\%$) or bi-annual (9 States or $\approx 17.6\%$) sign inventory. *The State of Florida performs an annual inventory of OA signs.*

F12. A total of 23 States (or $\approx 45.1\%$) indicate that they have in place an automated data collection/inventory system (based on the responses to question Q13). A number of State DOT representatives point out that their automated data collection/inventory systems require upgrading and enhancement. *The State of Florida indicates that they have been using the automated data collection/inventory system since 1998. Generally, the system is relatively efficient, but it does not perform all desired functions and requires future upgrading.*

F13. A total of 43 States (or $\approx 84.3\%$), *including the State of Florida*, indicate that they track the square footage of legal signs (based on the responses to question Q14).

F14. The square footage of illegal signs is recorded in 23 States (or $\approx 45.1\%$), *including the State of Florida*, throughout the inventory process (based on the responses to question Q15).

F15. A total of 41 States (or $\approx 80.4\%$), *including the State of Florida*, mention that they track the square footage of nonconforming signs (based on the responses to question Q16).

F16. The inventory of nonconforming signs is performed in 44 States (or $\approx 86.3\%$ - based on the responses to question Q17), *including the State of Florida*.

F17. A total of 37 States (or $\approx 72.5\%$), *including the State of Florida*, record the reason why a given advertising sign is nonconforming (based on the responses to question Q18).

F18. A total of 21 States (or ≈41.2%), *including the State of Florida*, indicate that Federal dollars have been utilized in the past to acquire nonconforming signs (based on the responses to question Q19).

F19. The inventory of illegal signs is performed in 40 States (or ≈78.4% - based on the responses to question Q20), *including the State of Florida*.

F20. A total of 23 States (or ≈45.1%), *including the State of Florida*, indicate that they track the relevant dates of an illegal sign's life cycle (based on the responses to question Q21).

F21. A total of 41 States (or ≈80.4%) indicate that they have laws and regulations defining maintenance and continuation of nonconforming signs (based on the responses to questions Q22 and Q23). Generally, the nonconforming sign owners are allowed to perform a routine maintenance (often referred to as "customary maintenance") without making any substantial changes to the signs. *Florida indicates that reasonable repair and maintenance can be performed for nonconforming signs. However, replacement of materials may not exceed 50% of the structural materials for a given nonconforming sign within any 24-month period.*

F22. A total of 35 State DOTs (or ≈68.6%) indicate that they conduct a regularly scheduled quality assurance of advertising signs, i.e. surveillance (based on the responses to question Q24). It was found that most of the States perform either annual (8 States or ≈15.7%) or bi-annual (6 States or ≈11.8%) sign surveillance. *The State of Florida performs surveillance of OA signs on a semi-annual basis.*

F23. A total of 35 State DOTs (or ≈68.6%) report that they impose penalties associated with illegal signs (based on the responses to question Q25). It was found that the structure of penalties and penalty amounts significantly vary from one State to another (i.e., lump sum fine vs. recurring fine vs. lump sum fine + recurring fine). *The State of Florida removes the illegal sign, if the sign owner does take any action, and requires the sign owner to pay the associated costs.*

F24. A total of 41 State DOTs (or ≈80.4%) indicate that they have additional procedures in place to ensure timely removal of illegal signs (based on the responses to question Q26). Generally, State DOTs start the process with sending notification letters to the sign owner, and if the sign owner does not take any action the sign will be removed by the State. *Florida utilizes a specific tracking system, which allows monitoring the date of the original notice and the date of removal.*

F25. A total of 48 State DOTs (or ≈94.1%) issue permits for outdoor advertising signs (based on the responses to question Q27 and Q28). It was found that 17 State DOTs (or ≈33.3%) issue the sign permits by location, while 5 State DOTs (or ≈9.8%) issue the sign permits by face. A total of 23 State DOTs (or ≈45.1%) indicate that they use a combination of methods for issuing the sign permits (e.g., location + face). *The State of Florida issues permits for OA signs by location and face.*

F26. The acquisition of advertising signs varies from one State to another (based on the responses to question Q29). Some States do offer compensation to the owners for acquired

advertising signs (permitted and nonconforming signs). The relocation cost of a permitted sign is generally covered by the State DOT, if the sign should be removed due to a highway construction project. Illegal signs are removed without compensation to the owners. ***The State of Florida pays compensation to the owners of lawful nonconforming signs (more details are provided in Florida Statutes 479.24 “Compensation for signs; eminent domain; exceptions”).***

F27. A total of 21 State DOTs (or $\approx 41.2\%$) report that they experience the new technology challenges associated with the OAC program implementation (based on the responses to question Q30). Many States indicate that there are issues associated with the digital technology implementation. Minnesota and Oregon indicate that they use drones for the advertising sign surveillance. However, as pointed out by Oregon DOT, the State regulations impose certain restrictions on the use of drones. The State of Wisconsin mentions about potential challenges associated with nonconforming digital/electronic signs, which cease to work. ***The State of Florida indicates that currently they do not experience any new technology challenges associated with the OAC program implementation.***

F28. The vegetation control issues, associated with the Federal OAC program implementation, were reported by 22 States (or $\approx 43.1\%$ - based on the responses to question Q31). Many State DOTs indicate that certain outdoor advertising sign owners remove vegetation without having the State authorization. ***Florida reports that currently they do not experience any vegetation control issues associated with the Federal OAC program implementation.***

F29. A total of 46 States (or $\approx 90.2\%$) described the areas that are the most difficult to regulate (based on the responses to question Q32). It was found that regulatory difficulties vary from one State to another (e.g., some States report that rural areas are difficult to regulate, while some other State indicate that they experience difficulties in regulating the urban areas). A total of 13 States (or $\approx 25.5\%$) report difficulties associated with zoning designations. ***The State of Florida underlines that zoning/land use issues are the most difficult to regulate. Changes that were made in the State Statutes in July 2014 significantly helped with zoning/land use issues.***

F30. The survey results show that the industry challenges violations regarding maintenance/removal of nonconforming signs in 26 States (or $\approx 51.0\%$ - based on the responses to question Q33). Many State DOTs report that there have been court cases due to violations regarding maintenance/removal of nonconforming signs. As a result of court cases Illinois DOT had to make certain changes in their regulations and better define policies. ***Florida reports that there have been challenges from the sign owners, who lost their signs due to an “Act of God”.***

F31. A total of 30 State DOTs (or $\approx 58.8\%$) mention that there is a duplicative administrative oversight by local governments on the same outdoor advertising signs or regulatory routes in their States (based on the responses to question Q34). Many States point out that local jurisdictions have their own requirements for outdoor advertising signs regarding sizing, spacing, lighting, placement, and other attributes. A number of State DOT representatives highlight that some cities and counties in their State have stricter outdoor advertising regulations. The State of Florida indicates that several municipalities have their own sign codes/ordinances that they enforce. ***Florida DOT requires for the sign owners to obtain permission from the local government before applying for the sign permit.***

F32. The survey results show that in 29 States (or $\approx 56.9\%$) the existing State laws are more restrictive than the Federal/State agreement (based on the responses to question Q35) in terms of various factors, including sign spacing, facing size, height, commercial/industrial activities in an unzoned area, access, etc. *Florida DOT highlights that their State laws are more restrictive than the Federal/State agreement in terms of sign spacing along the Federally-aided and Interstate routes (500 feet more) and facing size (the State limits the facing size of a sign to 950 square feet whereas the Federal/State agreement allows for 1200 square feet per facing).*

F33. A total of 7 State DOTs (or $\approx 13.7\%$) indicate that their Federal/State agreements have been amended (based on the responses to question Q36), including Iowa, Massachusetts, Mississippi, New Jersey, Oregon, Tennessee, and Wyoming. *The State of Florida reports that their Federal/State agreement has never been amended.*

F34. The survey results show that effectiveness of the Federal OAC program is evaluated in 20 States (or $\approx 39.2\%$ - based on the responses to question Q37). The effectiveness criteria include FWHA reviews, inventory process (e.g., the number of illegal signs removed, the number of back-logged appeals, review of sign permits, spacing of signs, etc.), and internal audits. *Florida indicates that currently they do not have any criteria to evaluate of the Federal OAC program.*

5. BASELINE STANDARDS

This section of the report outlines the baseline standards for different aspects of the Federal OAC program, which were identified to be critical based on findings of the survey that was conducted among the State DOT representatives. The baseline standards were developed for the following components of the Federal OAC program (which are also presented in Figure 14):

- 1) General
 - a. State OA Managers contact list
 - b. Bonus agreements
 - c. Federal/State agreements
 - d. State OA procedures
- 2) Definition of Areas for OAC
 - a. Definition of urban and incorporated areas
 - b. Identification methods for the OAC routes
 - c. Definition of commercial/industrial areas
 - d. Definition of urban areas
- 3) Federal OAC Program Administration
 - a. Inventory and surveillance of advertising signs
 - b. Data collection throughout the inventory process
 - c. Automated data collection and inventory systems
 - d. Maintenance and continuation of nonconforming signs
 - e. Illegal signs: penalties and timely removal
 - f. Acquisition of signs
- 4) Issues/Inconsistencies Associated with the Federal OAC Program Implementation
 - a. New technology challenges
 - b. Vegetation control
 - c. Regulatory difficulties
- 5) Other
 - a. Overlapping OA regulations
 - b. Effectiveness criteria for the Federal OAC program
 - c. Training programs for the State OA Managers
 - d. Training programs for the sign owners
 - e. Understaffing and funding issues

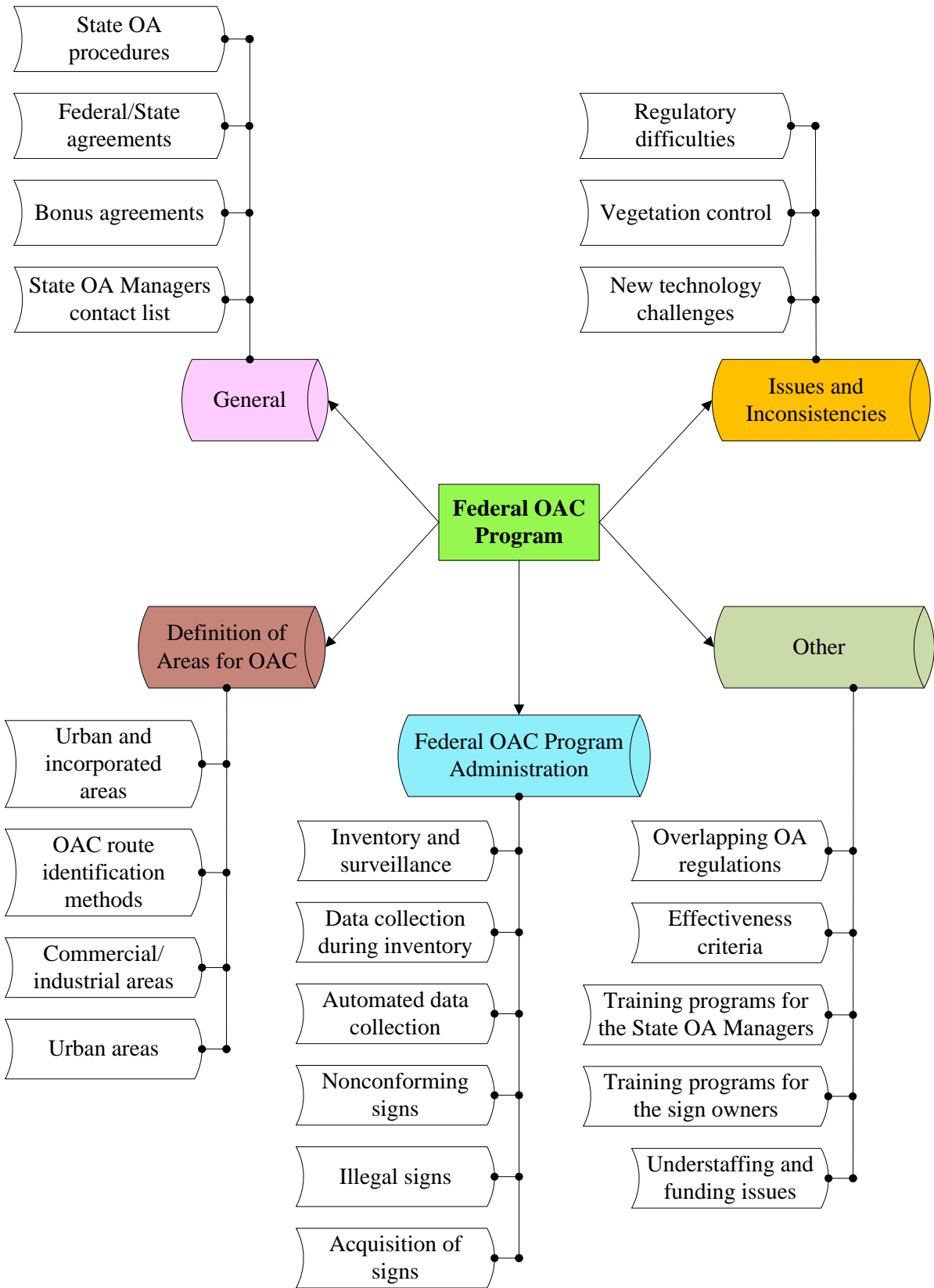


Figure 14 Baseline standards for different aspects of the Federal OAC Program.

The baseline standards, recommended to improve efficiency of the Federal OAC program, are presented in the following subsections:

5.1. General

Baseline Standard 1: The contact list of State OA Managers should be updated at least on a semi-annual basis.

Baseline Standard 2: Since no Bonus payments are currently being issued to the Bonus States, the Bonus agreements must be terminated in future in order to reduce the additional administrative burden for the Bonus States.

Baseline Standard 3: In order to achieve the main objectives of the Federal OAC program and the Highway Beautification Act (i.e., promote the public travel, ensure the effective display of advertising signs, protect the public investment in the Interstate and Federal-aid primary highways) the Federal/State agreements should impose the consistent requirements in terms of spacing, size, and lighting for outdoor advertising signs.

Baseline Standard 4: The appropriate Federal agencies must develop additional guidelines (that will accompany the Federal/State agreements), providing a detailed explanation of how spacing between outdoor advertising signs and facing of outdoor advertising signs should be measured.

Baseline Standard 5: Each State DOT should focus on development of the procedures for outdoor advertising, which shall outline the provisions that will comply with all the existing OA rules and regulations enforced in a given State, in order to facilitate implementation of the Federal OAC program.

5.2. Definition of Areas for OAC

Baseline Standard 6: A clear and consistent definition of areas for the effective control of advertising signs (i.e., inside/outside urban areas and inside/outside incorporated areas) should be provided in the Federal/State agreements, State Statutes, administrative rules, and regulations.

Baseline Standard 7: State DOTs should focus on development of more advanced methods for identification of the OAC routes.

Baseline Standard 8: The appropriate Federal agencies should establish a clear definition of commercial or industrial activities and areas, which will be applied in each State to eliminate the existing inconsistencies.

Baseline Standard 9: A consistent definition of an “urban area” should be developed at the Federal level based on Title 23 of the United States Code, since the majority of States use definitions that are very similar to the one proposed in Title 23 of the United States Code.

5.3. Federal OAC Program Administration

Baseline Standard 10: Each State DOT should conduct inventory and surveillance of advertising signs on a regular basis. Additional monetary resources should be allocated to perform inventory and surveillance of advertising signs. **The inventory should be more frequent than surveillance**, as surveillance involves on-site visits of advertising signs, which require more resources. The frequency of inventory and surveillance may vary from one State to another and should be governed by certain criteria, established by State DOTs and other government officials.

Baseline Standard 11: State DOTs must gather as much data as possible throughout the inventory of advertising signs (number of legal signs, number of illegal signs, and number of nonconforming signs at the minimum). The collected data can be further used to assess effectiveness of the Federal OAC program implementation.

Baseline Standard 12: State DOTs should focus on development of advanced data collection and inventory systems for advertising signs, which would assist with efficient management of the Federal OAC program. Additional monetary resources should be allocated to State DOTs to develop new data collection and inventory systems or upgrade the existing ones.

Baseline Standard 13: State DOTs should coordinate with the appropriate Federal agencies and develop a clear and consistent definition of the “customary maintenance” of nonconforming signs at the Federal level to reduce the number of violations related to maintenance of nonconforming signs and improve efficiency of the Federal OAC program.

Baseline Standard 14: State DOTs (in coordination with the appropriate State legislative agencies) should introduce the adequate penalties for incompliance with the existing State regulations, related to advertising signs.

Baseline Standard 15: State DOTs that currently do not have any procedures for timely removal of illegal advertising signs must focus on development of such procedures in coordination with the appropriate State legislative agencies.

Baseline Standard 16: State DOTs should focus on development of detailed acquisition procedures for advertising signs in coordination with the appropriate State legislative agencies.

5.4. Issues/Inconsistencies Associated with the Federal OAC Program Implementation

Baseline Standard 17: State DOTs should establish a Committee of stakeholders, who have sufficient knowledge and experience regarding the new technologies that are used for outdoor advertising. The Committee will assist State DOTs with resolving complex issues associated with the new technology implementation, which will further allow improving the overall efficiency of the Federal OAC program.

Baseline Standard 18: Additional funds should be allocated to assist State DOTs with development and implementation of the new technologies for outdoor advertising.

Baseline Standard 19: State DOTs that currently do not have a visibility improvement program in place for outdoor advertising signs should focus on development of such program.

Baseline Standard 20: State DOTs must include provisions in the vegetation control permit application, ensuring that the vegetation will be removed without causing potential safety hazards for roadway travelers. Each sign owner should agree to comply with those provisions in order to receive the vegetation control permit.

Baseline Standard 21: Strict penalties should be imposed to the sign owners, who remove the vegetation without the State authorization or violate the vegetation control requirements (e.g., revoke the advertising sign permit; impose monetary penalties).

Baseline Standard 22: State DOTs should establish a Committee of stakeholders, who have sufficient knowledge and experience regarding the Federal OAC program. The Committee will assist State DOTs with resolving complex issues associated with the Federal OAC program. The Committee will closely work with the appropriate Federal agencies to ensure that issues, which require the Federal involvement, will be addressed as well.

5.5. Other

Baseline Standard 23: State DOTs should coordinate with the appropriate Federal agencies and local jurisdictions and establish the consistent requirements for advertising signs, located along the OAC routes. Based on the consistent requirements, only one permit, approved by both the State DOT and the local jurisdiction, should be issued to each sign owner.

Baseline Standard 24: State DOTs should focus on development of performance measures for evaluating effectiveness of the Federal OAC program and identification of the aspects that require additional attention.

Baseline Standard 25: State DOTs should develop a training program for the State OA Managers and cover the main aspects of the Federal OAC program to ensure that the State OA Managers are familiar with the basic terms of the program.

Baseline Standard 26: State DOTs should develop a training program for the new sign owners to make sure that the sign owners clearly understand the OA requirements that they should comply with.

Baseline Standard 27: The appropriate Federal agencies should assist State DOTs with resolving the understaffing and funding issues in order to ensure efficient implementation of the Federal OAC program across the nation.

6. DESCRIPTION OF BASELINE STANDARDS

This section of the report provides a detailed description of the proposed baseline standards, categorized by the main aspects of the Federal OAC program, and discusses certain important criteria that should be considered throughout implementation of the baseline standards by the appropriate State DOT and government officials.

6.1. General

6.1.1. State OA Managers contact list

Throughout the survey, performed under this project, the FAMU-FSU research team used the publicly available document “State Outdoor Advertising Managers – Contact List”, which was developed by the National Alliance of Highway Beautification Agencies (NAHBA, 2016), to contact the State DOT representatives. The contact list was last updated on November 14, 2016 (while the FAMU-FSU research team started contacting the State DOT representatives in January, 2017). It was found that the State OA Managers were changed in a substantial number of States. Therefore, the contact list of OA Managers should be updated at least on a semi-annual basis.

Baseline Standard 1: The contact list of State OA Managers should be updated at least on a semi-annual basis.

6.1.2. Bonus agreements

The States, which have entered in the Bonus agreements in 1958 as a part of the Federal-Aid Highway Act, are essentially obligated to comply with an additional set of requirements (which are outlined in the Bonus agreements). Some of the Bonus agreement provisions overlap with the Federal/State agreements, State Statutes, State OA administrative rules and regulations and create an additional burden for the State DOTs. Furthermore, the States that do not comply with their Bonus agreement conditions will be required to return the funds, which were received as a result of the Bonus program.

However, as it was found in the survey conducted under this project, the Bonus States have not been receiving any Bonus payments since 1980s. The majority of Bonus States indicate that the date of the last Bonus payment is unknown (e.g., Delaware, Maryland, Nebraska, New York, Ohio, etc.). The State of Illinois indicates that they received the last payment (around \$2.8 million) in 1981 and are still being owed \$1.5 million. No Federal funds are being currently issued for the Bonus States, but the Bonus States are still obligated to comply with the requirements of their Bonus agreements.

Baseline Standard 2: Since no Bonus payments are currently being issued to the Bonus States, the Bonus agreements must be terminated in future in order to reduce the additional administrative burden for the Bonus States.

6.1.3. Federal/State agreements

Based on provisions of the 1965 Highway Beautification Act each State should enter into an agreement with the United States Secretary of Transportation (the agreement is generally

referred to as the “Federal/State agreement”). The main objectives of the Federal/State agreements are the following: 1) determine the size, lighting, and spacing of signs, displays, and devices, which are erected and maintained within 660 feet of the nearest edge of the right of way of the Interstate and Federal-aid primary systems; 2) establish criteria for control of advertising signs in areas with commercial or industrial activities; 3) promote reasonable, orderly, and effective display of outdoor advertising devices; and 4) protect the public investment in the Interstate and Federal-aid primary highways. The executed Federal/State agreements vary in terms of requirements, which are imposed to States, regarding the advertising sign size, lighting, spacing, and other criteria (Johnson, 2009). Some Federal/State agreements provide additional details regarding certain criteria of the Federal OAC program, while the others do not elaborate on those criteria.

The spacing requirements for advertising signs, which are outlined in the Federal/State agreements, are presented in Table 15 for each State. It can be observed that most of the States are required to maintain a spacing of 500 feet between advertising signs along the freeway Federal-aid primary routes inside and outside incorporated municipalities. As for the non-freeway Federal-aid primary routes, the spacing between advertising signs should be at least 300 feet outside incorporated municipalities, while inside incorporated municipalities the spacing between advertising signs is required to be at least 100 feet. However, different spacing requirements are imposed in a number of States. For example, the Federal/State agreements do not specify any spacing requirements for District of Columbia and the State of Hawaii. The minimum spacing between advertising signs along the non-freeway Federal-aid primary routes inside and outside incorporated municipalities is established based on the distance between centerlines of intersecting streets or highways in Connecticut, Delaware, Maryland, Montana, and Utah. Some custom spacing requirements are imposed in Idaho, Nebraska, Rhode Island, and Vermont.

Table 15 Spacing of advertising signs (in feet) based on the Federal/State agreements.

| State | Freeway Federal-aid Primary Routes | | Non-Freeway Federal-aid Primary Routes | |
|----------------|------------------------------------|------------------------|--|------------------------|
| | Inside Municipalities | Outside Municipalities | Inside Municipalities | Outside Municipalities |
| Alabama | 500 | 500 | 100 | 300 |
| Alaska | 500 | 500 | 100 | 300 |
| Arizona | 500 | 500 | 100 | 300 |
| Arkansas | 500 | 500 | 100 | 300 |
| California | 500 | 500 | 100 | 300 |
| Colorado | 500 | 500 | 100 | 300 |
| Connecticut | 500 | 500 | Note-1 | Note-1 |
| Delaware | 500 | 500 | Note-1 | Note-1 |
| Dist. Columbia | N/A | N/A | N/A | N/A |
| Florida | 1000 | 1000 | 500 | 500 |
| Georgia | 500 | 500 | 100 | 300 |
| Hawaii | N/A | N/A | N/A | N/A |
| Idaho | 500 | 500 | 100 | Note-4 |
| Illinois | 500 | 500 | 100 | 300 |
| Indiana | 500 | 500 | 100 | 300 |

Table 15 Spacing of advertising signs (in feet) based on the Federal/State agreements (continued).

| State | Freeway Federal-aid Primary Routes | | Non-Freeway Federal-aid Primary Routes | |
|----------------|------------------------------------|------------------------|--|------------------------|
| | Inside Municipalities | Outside Municipalities | Inside Municipalities | Outside Municipalities |
| Iowa | 500 | 250 | 100 | 300 |
| Kansas | 500 | 500 | 100 | 300 |
| Kentucky | N/A | N/A | 100 | 300 |
| Louisiana | 500 | 500 | 100 | 300 |
| Maine | 500 | 500 | 100 | 300 |
| Maryland | Note-4 | Note-4 | Note-1 | Note-1 |
| Massachusetts | 500 | 500 | 100 | 300 |
| Michigan | 500 | 500 | 100 | 300 |
| Minnesota | 500 | 500 | 100 | 300 |
| Mississippi | 500 | 500 | Note-2 | 350 |
| Missouri | 500 | 500 | 100 | 300 |
| Montana | 500 | 500 | Note-3 | Note-3 |
| Nebraska | 500 | 250 | Note-4 | Note-4 |
| Nevada | 500 | 500 | 100 | 300 |
| New Hampshire | 500 | 500 | Note-1 | 300 |
| New Jersey | 500 | 500 | 100 | 300 |
| New Mexico | 500 | 500 | 100 | 300 |
| New York | 500 | 500 | 100 | 300 |
| North Carolina | 500 | 500 | 100 | 300 |
| North Dakota | 500 | 500 | 100 | 300 |
| Ohio | 500 | 500 | 500 | 250 |
| Oklahoma | 500 | 500 | 100 | 300 |
| Oregon | 500 | 1000 | 100 | 500 |
| Pennsylvania | 500 | 500 | 100 | 300 |
| Rhode Island | Note-4 | Note-4 | Note-4 | Note-4 |
| South Carolina | 500 | 500 | 100 | 300 |
| South Dakota | 500 | 500 | 100 | 300 |
| Tennessee | 1000 | 1000 | 100 | 500 |
| Texas | 500 | 500 | 100 | 300 |
| Utah | 500 | 500 | Note-3 | Note-3 |
| Vermont | N/A | N/A | Note-4 | Note-4 |
| Virginia | 500 | 500 | 100 | 300 |
| Washington | 1000 | 1000 | 100 | 500 |
| West Virginia | 500 | 500 | 100 | 300 |
| Wisconsin | 500 | 500 | 100 | 300 |
| Wyoming | 500 | 500 | 100 | 300 |

Note-1: If the distance between centerlines of intersecting streets or highways is less than 1000 ft, then the minimum spacing is 100 ft; otherwise, 300 ft;

Note-2: If the distance between centerlines of intersecting streets or highways is less than 1000 ft, then the minimum spacing is 100 ft; otherwise, 250 ft;

Note-3: If the distance between centerlines of intersecting streets or highways is less than 1000 ft, then the minimum spacing is 150 ft; otherwise, 300 ft;

Note-4: Custom requirements.

One of the common spacing requirements, highlighted in the Federal/State agreements for the Interstate and Federal-aid primary highways, states: “Signs may not be located in such a manner as to obscure, or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver’s view of approaching, merging, or intersecting traffic”. Furthermore, the Federal/State agreements indicate that the distance between signs should be measured along the nearest edge of the pavement. Some Federal/State agreements (e.g., California, Indiana, Mississippi, New York, and others) also note that the spacing provisions will not be applied for the cases, when there are buildings or other obstructions between the signs. Some State DOTs (e.g., Massachusetts) indicate that more detailed guidelines regarding the spacing measurement between advertising signs are necessary.

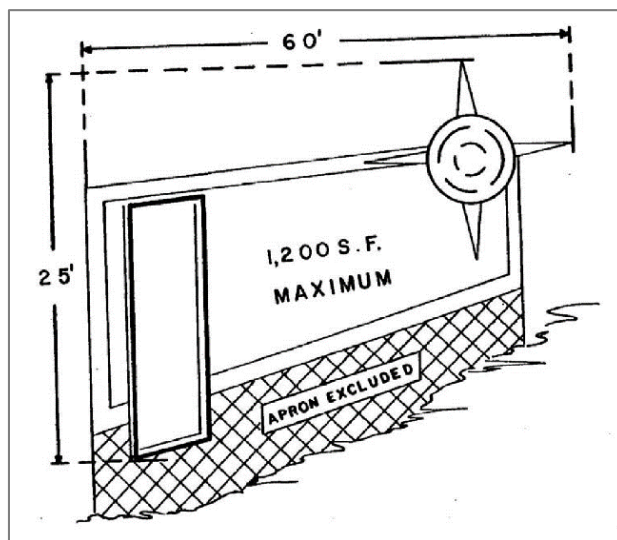
Table 16 Size of advertising signs based on the Federal/State agreements.

| State | Facing Size (ft ²) | Height (ft) | Length (ft) | State | Facing Size (ft ²) | Height (ft) | Length (ft) |
|----------------|--------------------------------|-------------|-------------|----------------|--------------------------------|-------------|-------------|
| Alabama | 1200 | 30 | 60 | Montana | 1200 | 40 | 60 |
| Alaska | 650 | 20 | 50 | Nebraska | 1000 | N/A | N/A |
| Arizona | 1200 | 25 | 60 | Nevada | 1200 | 30 | 60 |
| Arkansas | 1200 | 25 | 60 | New Hampshire | 750 | 20 | 50 |
| California | 1200 | 25 | 60 | New Jersey | Note-1 | Note-1 | Note-1 |
| Colorado | 1200 | 30 | 60 | New Mexico | 1200 | 25 | 60 |
| Connecticut | 900 | 25 | 60 | New York | 1200 | 30 | 60 |
| Delaware | 1200 | 25 | 60 | North Carolina | 1200 | 30 | 60 |
| Dist. Columbia | N/A | N/A | N/A | North Dakota | 1200 | 30 | 60 |
| Florida | 1200 | 30 | 60 | Ohio | 1200 | N/A | N/A |
| Georgia | 1200 | 30 | 60 | Oklahoma | 1200 | 25 | 60 |
| Hawaii | N/A | N/A | N/A | Oregon | N/A | 14 | 48 |
| Idaho | 1000 | 30 | 50 | Pennsylvania | 1200 | 30 | 60 |
| Illinois | 1200 | 30 | 60 | Rhode Island | Note-1 | Note-1 | Note-1 |
| Indiana | 1000 | 25 | 60 | South Carolina | 1200 | 30 | 60 |
| Iowa | N/A | N/A | N/A | South Dakota | 1200 | 30 | 60 |
| Kansas | 1200 | 30 | 60 | Tennessee | Note-1 | Note-1 | Note-1 |
| Kentucky | 1250 | N/A | N/A | Texas | 1200 | 25 | 60 |
| Louisiana | 1200 | 30 | 60 | Utah | 1000 | 25 | 60 |
| Maine | 900 | 25 | 60 | Vermont | 300 | N/A | N/A |
| Maryland | 800 | 25 | 50 | Virginia | 1200 | 25 | 60 |
| Massachusetts | 1200 | 25 | 60 | Washington | 672 | 25 | 50 |
| Michigan | 1200 | N/A | N/A | West Virginia | 1200 | 25 | 60 |
| Minnesota | Note-1 | N/A | N/A | Wisconsin | 1200 | 30 | 60 |
| Mississippi | 1200 | N/A | N/A | Wyoming | 1200 | 25 | 60 |
| Missouri | 1200 | 30 | 60 | | | | |

Note-1: Custom requirements

Similar to the spacing requirements, significant differences in terms of the size requirements for outdoor advertising signs can be observed in the Federal/State agreements from one State to another. The size requirements for advertising signs, which are outlined in the Federal/State

agreements, are presented in Table 16 for each State. The maximum facing size of 1200 feet squared is established in 31 States (or $\approx 60.8\%$). A total of 17 States (or $\approx 33.3\%$) impose the maximum height requirement of 25 feet for facing of advertising signs, while the other 17 States (e.g., Alabama, Colorado, Florida, Georgia, Idaho, and others) restrict the maximum facing height to 30 feet. The maximum facing length requirement is set to 60 feet in 32 States (or $\approx 62.7\%$). The Federal/State agreements restrict the maximum facing length of advertising signs to 50 feet in 5 States (or $\approx 9.8\%$). Details regarding measurement of the advertising sign size are presented in Figure 15.



Source: The Arkansas Federal/State agreement.

Figure 15 Measurement of the advertising sign size.

As for the lighting requirements, the Federal/State agreements generally indicate that the advertising signs can be illuminated, but are subject to the following restrictions:

- a) Signs that use flashing, intermittent, or moving light or lights are not allowed, except the signs that provide certain service information (e.g., temperature, weather, time, date, and other);
- b) Signs that use light, which may cause glare or impair vision of drivers, are prohibited;
- c) Signs cannot be illuminated, if illumination affects their effectiveness;
- d) Lighting must comply with provisions of the State laws and regulations.

However, the language used to outline the lighting requirements significantly varies from one Federal/State agreement to another.

Baseline Standard 3: In order to achieve the main objectives of the Federal OAC program and the Highway Beautification Act (i.e., promote the public travel, ensure the effective display of advertising signs, protect the public investment in the Interstate and Federal-aid primary highways) the Federal/State agreements should impose the consistent requirements in terms of spacing, size, and lighting for outdoor advertising signs.

Baseline Standard 4: The appropriate Federal agencies must develop additional guidelines (that will accompany the Federal/State agreements), providing a detailed explanation of how spacing between outdoor advertising signs and facing of outdoor advertising signs should be measured.

Consistent requirements for spacing and size of advertising signs can be established based on the most common restrictions, which are currently imposed in the majority of States, specifically:

- 1) A minimum spacing of **500 feet** between advertising signs is required along the freeway Federal-aid primary routes inside and outside incorporated municipalities;
- 2) A minimum spacing of **300 feet** between advertising signs is required along the non-freeway Federal-aid primary routes outside incorporated municipalities;
- 3) A minimum spacing of **100 feet** between advertising signs is required along the non-freeway Federal-aid primary routes inside incorporated municipalities;
- 4) The maximum facing size of advertising signs cannot exceed **1200 feet squared**;
- 5) The maximum facing height of advertising signs cannot exceed **30 feet**;
- 6) The maximum facing length of advertising signs cannot exceed **60 feet**.

An establishment of generally adopted requirements for spacing and size of outdoor advertising signs would allow reducing the number of nonconforming signs after introducing a new regulation. Along with the updated spacing and size restrictions, the Federal/State agreements should use a consistent language for description of the lighting requirements. The aforementioned recommendations may not be applicable in certain States (e.g., Alaska, District of Columbia, Hawaii, etc.), and those State should have custom Federal/State agreements.

6.1.4. State OA procedures

As a result of the survey, conducted under this project, it was found that 48 States (or $\approx 94.1\%$) have procedures in place to control outdoor advertising. The majority of State DOTs (i.e., 21 State DOTs or $\approx 41.2\%$) highlight that their OA procedures are primarily driven with the existing OA rules and regulations. Considering the fact that many provisions in the existing OA rules and regulations are overlapping (e.g., certain provisions of the State laws and regulations are more restrictive as compared to the Federal/State agreement), the procedures for outdoor advertising should outline the provisions, which are more restrictive and will comply with all the existing OA rules and regulations enforced in a given State.

Baseline Standard 5: Each State DOT should focus on development of the procedures for outdoor advertising, which shall outline the provisions that will comply with all the existing OA rules and regulations enforced in a given State, in order to facilitate implementation of the Federal OAC program.

6.2. Definition of Areas for OAC

6.2.1. Definition of urban and incorporated areas

The question regarding definition of inside/outside urban boundaries and inside/outside incorporated areas (i.e., question Q8 of the questionnaire) was found to be confusing for many State DOT representatives. Several States mention that they are not required to determine urban boundaries based on their Federal/State agreements. In fact, the Federal/State agreements do not

use the term “urban” and typically refer to incorporated areas, when specifying the spacing criteria requirements. The term “urban” is generally defined in the State Statutes and/or administrative rules and/or administrative regulations in the chapter “Definitions”. Therefore, a clear and consistent definition of areas for the effective control of advertising signs (i.e., inside/outside urban areas and inside/outside incorporated areas) should be provided in the Federal/State agreements, State Statutes, administrative rules, and regulations to avoid potential confusion among the State DOT representatives.

Baseline Standard 6: A clear and consistent definition of areas for the effective control of advertising signs (i.e., inside/outside urban areas and inside/outside incorporated areas) should be provided in the Federal/State agreements, State Statutes, administrative rules, and regulations.

The definitions should provide a precise explanation of the terms “incorporated area” and “urban area” and specify how those areas are determined (e.g., designated by specific agencies/entities, designated based on the information available in specific databases, etc.).

6.2.2. Identification methods for the OAC routes

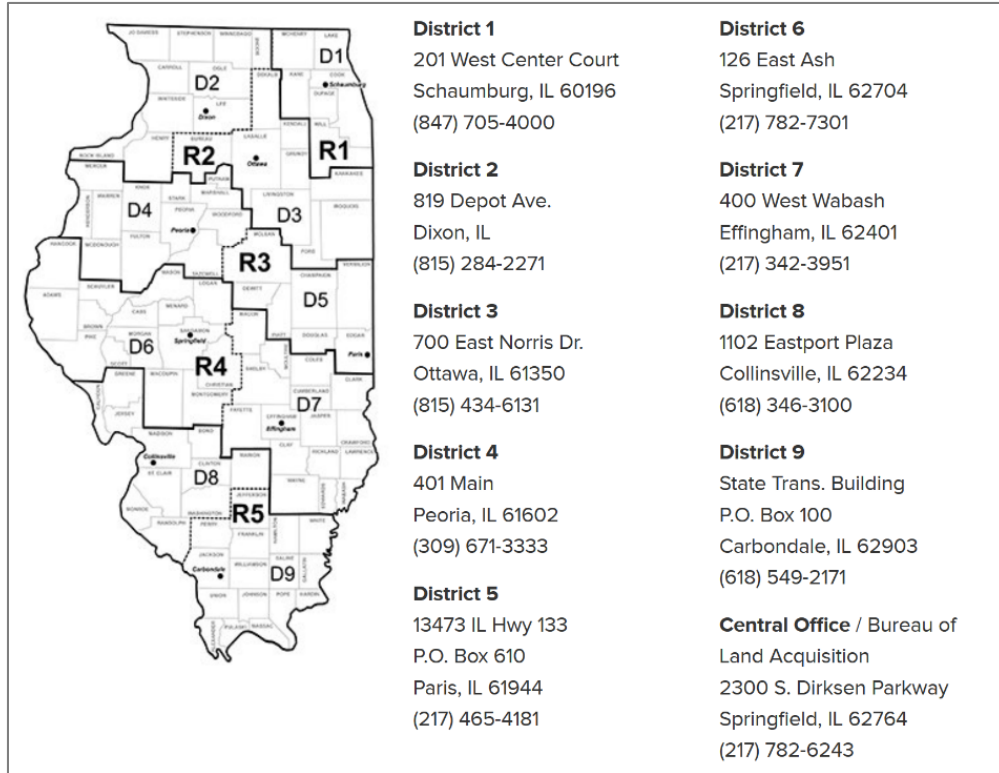
After analysis of the data, collected from State DOTs, it was found that the majority of State DOTs (i.e., 24 State DOTs or ≈47.1%) use both map and written description for identification of State routes under outdoor advertising control. Maps are primarily used in 14 States (or ≈27.5%). Only a few States indicate that they use more advanced methods for identification of the OAC routes (e.g., Straight Line Diagrams, custom information management systems, Geographic Information System - GIS).

Baseline Standard 7: State DOTs should focus on development of more advanced methods for identification of the OAC routes.

Advanced methods for identification of the OAC routes will allow improving the overall efficiency of the Federal OAC program implementation. For example, the State of Illinois developed an online web application, which showcases the OAC routes for all districts of the State (see Figure 16 and Figure 17). The application is publicly available, and allows the sign owners to determine whether the location, they are interested to advertise in, belongs to the OAC route. If the advertising area is along the OAC route, the sign owners are able to directly apply for the permit.

6.2.3. Definition of commercial/industrial areas

A total of 43 State DOTs (or ≈84.3%) indicate that they have State laws and regulations defining commercial and industrial areas. Generally, the commercial/industrial area is defined as the area which is zoned for business, industry, commerce or trade; or the area, which is located within a certain distance (which may vary from one State to another) from commercial/industrial activity.



Source: <http://www.idot.illinois.gov/doing-business/permits/outdoor-advertising/>.
Figure 16 A web application for identification of the OAC routes in the State of Illinois.



Source: <http://www.idot.illinois.gov/doing-business/permits/outdoor-advertising/>.
Figure 17 The OAC routes in District 1 of the State of Illinois.

Certain Federal/State agreements (e.g., Alabama, Arkansas, Connecticut, Delaware, Florida, and others) impose exceptions on the following activities (which cannot be considered as commercial or industrial):

- 1) Outdoor advertising structures;
- 2) Agricultural, forestry, ranching, grazing, farming, and similar activities, including, but not limited to, wayside fresh produce stand;
- 3) Activities normally or regularly in operation less than three months of the year;
- 4) Transient or temporary activities;
- 5) Activities not visible from the main traveled way;
- 6) Activities more than 660 feet from the nearest edge of the right of way;
- 7) Activities conducted in a building principally used as a residence;
- 8) Railroad tracks and minor sidings; and
- 9) Areas which are predominantly used for residential purposes.

The number of exceptions varies from one Federal/State agreement to another. A significant number of Federal/State agreements (e.g., California, Colorado, District of Columbia, Iowa, and others) refer to the State regulations or local ordinances for definition of commercial or industrial activities and exceptions.

The State Statutes, OA rules and regulations may impose additional exemptions on commercial or industrial activities. For example, communication towers, mining or quarry activities, funeral home(s), and cemeteries cannot be recognized as commercial or industrial activities based on the Alabama Administrative Code. The Florida Statutes do not recognize the following activities as commercial or industrial: communication towers; public parks, public recreation services, and governmental uses and activities that take place in a structure that serves as the permanent public meeting place for local, state, or federal boards, commissions, or courts. The Indiana Outdoor Advertising Control Manual and the Indiana Administrative Code state that the activities, taking place on highways, roads, and streets, will not be considered as commercial or industrial. The definition of commercial or industrial activities and areas varies significantly from one State to another. A clear definition of commercial or industrial activities and areas should be established on the Federal level to eliminate the existing inconsistencies.

Baseline Standard 8: The appropriate Federal agencies should establish a clear definition of commercial or industrial activities and areas, which will be applied in each State to eliminate the existing inconsistencies.

6.2.4. Definition of urban areas

The survey results indicate that 32 States (or ≈62.7%) have laws and regulations, which define an urban area. As a result of a detailed review of State laws and regulations, it was found that many States typically rely on a definition of the term “urban area” (with or without minor modifications) from Title 23 of the United States Code (USC, 2012), Sec. 101. “Definitions and declaration of policy” – (33). A consistent definition of the term “urban area” should be adopted by States based on Title 23 of the United States Code across the nation.

Baseline Standard 9: A consistent definition of an “urban area” should be developed at the Federal level based on Title 23 of the United States Code, since the majority of States use definitions that are very similar to the one proposed in Title 23 of the United States Code.

The definition of the term “urban area” based on Title 23 of the United States Code is as follows:

“The term "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire”.

6.3. Federal OAC Program Administration

6.3.1. Inventory and surveillance of advertising signs

It was found that a total of 38 State DOTs (or $\approx 74.5\%$) conduct a regularly scheduled inventory of advertising signs, while a regularly scheduled quality assurance of advertising signs (i.e., surveillance) is performed in 35 States (or $\approx 68.6\%$). A number of State DOTs mention that they are not able to conduct the regularly scheduled sign inventory and surveillance due to limited resources. Both inventory and surveillance of advertising signs should be scheduled with a specific frequency to ensure efficiency of the Federal OAC program implementation.

Baseline Standard 10: Each State DOT should conduct inventory and surveillance of advertising signs on a regular basis. Additional monetary resources should be allocated to perform inventory and surveillance of advertising signs. **The inventory should be more frequent than surveillance**, as surveillance involves on-site visits of advertising signs, which require more resources. The frequency of inventory and surveillance may vary from one State to another and should be governed by certain criteria, established by State DOTs and other government officials.

The criteria for defining frequency of inventory and surveillance of advertising signs may include but are not limited to the following:

- 1) Number of illegal signs (i.e., both inventory and surveillance should be more frequent if the number of illegal signs increases from one year to another);
- 2) Number of nonconforming signs (i.e., both inventory and surveillance should be more frequent in the States that have a substantial number of nonconforming signs);
- 3) Number of new sign owners (i.e., both inventory and surveillance should be more frequent in the States that have a substantial number of new sign owners, as new sign owners may violate requirements of the OAC program due to their insufficient experience);
- 4) Compliance of the signs owners (Do the sign owners renew their permits without delays? Do the sign owners violate the vegetation control requirements? Do the sign owners adequately maintain their nonconforming signs?);

- 5) Total number of permitted advertising signs (both inventory and surveillance should be more frequent in the States that have a substantial number of permitted advertising signs);
- 6) And others (to be determined by the appropriate State DOT and other government officials).

6.3.2. Data collection throughout the inventory process

A number of questions of the questionnaire were related to the data, which are collected by States throughout the inventory process. It was found that a total of 43 States (or $\approx 84.3\%$) track the square footage of legal signs. The square footage of illegal signs is recorded in 23 States (or $\approx 45.1\%$). A total of 41 States (or $\approx 80.4\%$) mention that they track the square footage of nonconforming signs. The inventory of nonconforming signs is performed in 44 States (or $\approx 86.3\%$), while 37 States (or $\approx 72.5\%$) also record the reason why a given advertising sign is nonconforming. The inventory of illegal signs is performed in 40 States. A total of 23 States (or $\approx 45.1\%$) indicate that they track the relevant dates of an illegal sign's life cycle (e.g., date observed, date of correspondence, legal dates, removal, etc.). A collection of additional data throughout the inventory process may assist State DOTs with evaluation of effectiveness of the Federal OAC program. For example, increasing number of illegal signs indicates that the existing OA rules and regulations might require an establishment of stricter penalties to avoid incompliance. On the other hand, increasing number of permitted legal signs demonstrates that the Federal OAC program is being managed efficiently.

Baseline Standard 11: State DOTs must gather as much data as possible throughout the inventory of advertising signs (number of legal signs, number of illegal signs, and number of nonconforming signs at the minimum). The collected data can be further used to assess effectiveness of the Federal OAC program implementation.

6.3.3. Automated data collection and inventory systems

The survey results show that 23 States (or $\approx 45.1\%$) indicate that they have in place an automated data collection and inventory system for outdoor advertising signs. A number of State DOT representatives point out that their automated data collection and inventory systems require upgrading and enhancement. Development of advanced automated data collection and inventory systems and upgrading the existing systems would facilitate gathering the information regarding the advertising signs (legal, illegal, and nonconforming). As stated earlier, the collected data may be utilized by the State DOT representatives in evaluation of effectiveness of the Federal OAC program implementation.

Baseline Standard 12: State DOTs should focus on development of advanced data collection and inventory systems for advertising signs, which would assist with efficient management of the Federal OAC program. Additional monetary resources should be allocated to State DOTs to develop new data collection and inventory systems or upgrade the existing ones.

6.3.4. Maintenance and continuation of nonconforming signs

It was found that a total of 41 States (or $\approx 80.4\%$) have laws and regulations defining maintenance and continuation of nonconforming signs. Based on the State laws and regulations, the nonconforming sign owners are allowed to perform a routine maintenance (often referred to as "customary maintenance") without making any substantial changes to the signs, i.e. the

nonconforming sign should remain the same as it was on the effective date of the State law or regulation (Code of Federal Regulations – 23 CFR 750, 1973). The Federal/State agreements and the United States Code do not mention the term “nonconforming sign”. The Code of Federal Regulations defines the term “maintain” as “allow to exist” (23 CFR §750.102 “Definitions”). Furthermore, the Code of Federal Regulations states that each State is required to develop provisions for “customary maintenance” and when the rights for a given nonconforming sign should be terminated due to a substantial change (23 CFR §750.707 “Nonconforming signs”).

Based on the State laws and regulations, a “customary maintenance” typically allows message changes, painting, stringer replacement, adding catwalks, replacing some of the support poles, bolts replacement, replacement of torn or destroyed face panels with in kind panels, etc. A major replacement of the support poles and adding illumination to the non-illuminating sign structures are generally prohibited. If the sign owners do not perform maintenance of their nonconforming signs, the signs will be removed by the State. A number of States impose restrictions on the repair cost of nonconforming signs (Colorado, Michigan, Virginia, Wisconsin, New York and others). The State of Florida imposes limitations on the amount of replacement materials, which could be used for repair of nonconforming signs (i.e., the amount of replacement materials cannot exceed 50% of the structural materials for a given nonconforming sign within a 24-month time period). Certain States indicate that changes in the facing size of nonconforming signs cannot exceed the established thresholds (e.g., Washington).

The lack of clarity and consistency in definition of the “customary maintenance” causes a lot of confusion not only among the State DOT representatives, but also among the sign owners. Throughout the survey, conducted under this project, it was found that there have been many court cases due to violations regarding maintenance/removal of nonconforming signs (Illinois, Indiana, Iowa, New York, North Dakota, and others). As a result of court cases the State of Illinois had to make certain changes in their regulations and better define policies. The States of Florida and Ohio report the challenges from the sign owners, associated with an “Act of God” provision (i.e., damage or loss of advertising signs due to natural disasters). Oregon DOT highlights that the sign owners often confuse the term “maintenance” with the term “reconstruction”. Development of a clear and consistent definition of the “customary maintenance” at the Federal level would allow reducing or even eliminating the number of violations related to maintenance of nonconforming signs.

Baseline Standard 13: State DOTs should coordinate with the appropriate Federal agencies and develop a clear and consistent definition of the “customary maintenance” of nonconforming signs at the Federal level to reduce the number of violations related to maintenance of nonconforming signs and improve efficiency of the Federal OAC program.

The following criteria should be considered when developing a new definition for the “customary maintenance” of nonconforming signs:

- 1) A precise description of the allowed procedures (e.g., message changes, painting, stringer replacement, adding catwalks, replacing some of the support poles, bolts replacement, and others) should be provided;
- 2) A precise description of the prohibited procedures (e.g., adding illumination to the non-illuminating sign structures) should be provided;

- 3) Specific threshold values should be established to measure the “degree of change” for nonconforming signs. For example, only 50% of support poles can be replaced every 24-month time period (e.g., if the sign has 4 support poles, only 2 of them can be replaced every 24-month time period);
- 4) Eliminate vague requirements, which cannot be easily quantified. For example, many States impose a restriction on the maintenance cost. For example, in the States of Colorado, Virginia, and Wisconsin the maintenance and repair cost for nonconforming signs cannot exceed 50% of the replacement cost per year. However, it is a quite difficult task for a sign inspector to determine how much was spent for the maintenance and repair of a given nonconforming signs (e.g., it may be the case that the sign owner was able to purchase the required repair materials for a reduced price);
- 5) Changes to nonconforming signs as a result of the “customary maintenance” should be assessed using innovative technologies (e.g., deployment of drones for collection of images; custom image processing software for analysis of nonconforming signs before and after maintenance; custom inventory databases for storing the images of nonconforming signs; etc.). The latter will allow improving accuracy of the results;
- 6) And others (to be determined by the appropriate State DOT and other government officials).

6.3.5. Illegal signs: penalties and timely removal

The survey results indicate that 35 State DOTs (or ≈68.6%) impose penalties associated with illegal signs. It was found that the structure of penalties and penalty amounts significantly vary from one State to another (i.e., lump sum fine vs. recurring fine vs. lump sum fine + recurring fine). For example, the State of California imposes a penalty of \$10,000 plus \$100 per day for each advertising sign, which is erected and maintained against the existing OA regulations and local ordinances (based on the California Business and Professions Code, Chapter 2, Section 5485(b)(2)). A sign owner, who violates provisions of the Alaska Statutes related to advertising signs will be guilty of a misdemeanor and upon conviction will be punished by a fine not less than \$50 nor more than \$5,000 (based on the Alaska Statute AS 19.25.130). The State of Washington imposes a penalty of \$100 per calendar day until the advertising sign is brought into compliance or removed (based on the Revised Code of Washington 47.42.080(3)). An establishment of the appropriate structure of penalties and penalty amounts would assist State DOTs to reduce the number of violations, related to erection and maintenance of advertising signs.

Baseline Standard 14: State DOTs (in coordination with the appropriate State legislative agencies) should introduce the adequate penalties for incompliance with the existing State regulations, related to advertising signs.

The structure of penalties and penalty amounts should be established based on the following factors:

- 1) Number of illegal signs based on the recently conducted inventories. If the number of illegal signs increases from year to year, stricter penalties should be introduced;
- 2) Number of repetitive violations (i.e., a given sign owner violates the same regulation multiple times);

- 3) Degree of violation (e.g., violate the required facing size by 10% vs. violate the required facing size by 50%);
- 4) And others (to be determined by the appropriate State DOT and other government officials).

Furthermore, as a result of a conducted survey, it was found that a total of 41 State DOTs (or ≈80.4%) have additional procedures in place to ensure timely removal of illegal signs. State DOTs typically start the process with sending notification letters to the sign owner, and if the sign owner does not take any action the sign will be removed by the State. The necessary procedures should be developed by State DOTs in coordination with the appropriate State legislative agencies to facilitate timely removal of illegal signs.

Baseline Standard 15: State DOTs that currently do not have any procedures for timely removal of illegal advertising signs must focus on development of such procedures in coordination with the appropriate State legislative agencies.

6.3.6. Acquisition of signs

Based on the data collected from the State DOT representatives, it was found that the acquisition of advertising signs varies from one State to another. A number of States do offer compensation to the owners for acquired advertising signs (permitted and nonconforming signs). The relocation cost of a permitted sign is generally covered by the State DOT, if the sign should be removed due to a highway construction project. Illegal signs are removed without compensation to the owners. An establishment of consistent acquisition regulations for advertising signs may not be feasible at the Federal level due to a number of factors (e.g., the number of nonconforming signs, available funds for compensation to the sign owners). However, a clear description of acquisition procedures for advertising signs (permitted, illegal, and nonconforming) should be provided in the States rules, regulations, and OA procedures.

Baseline Standard 16: State DOTs should focus on development of detailed acquisition procedures for advertising signs in coordination with the appropriate State legislative agencies.

The acquisition procedures should clearly describe the following aspects:

- 1) Conditions under which permitted advertising signs may be acquired (e.g., highway construction projects);
- 2) Compensation that will be paid for acquisition of permitted advertising signs (if any);
- 3) Conditions under which nonconforming advertising signs may be acquired (e.g., the nonconforming sign is not being maintained; substantial changes have been made to the facing of a nonconforming sign);
- 4) Compensation that will be paid for acquisition of nonconforming advertising signs (if any);
- 5) Procedures for acquisition of illegal advertising signs;
- 6) Penalties that will be imposed to the sign owners for erection/maintenance of illegal advertising signs and failure to remove illegal advertising signs in a timely manner;
- 7) And others (to be determined by the appropriate State DOT and other government officials).

6.4. Issues/Inconsistencies Associated with the Federal OAC Program Implementation

6.4.1. New technology challenges

Based on the survey results, it was found a total of 21 State DOTs (or $\approx 41.2\%$) experience the new technology challenges associated with the OAC program implementation. A substantial number of States indicate that there are issues associated with the digital technology implementation. For example, Arkansas DOT mentions that light-emitting diode (LED), electronic and digital signs lawfully erected as on-premise devices can be used illegally as off-premise signs in their State. The State of California highlights that it is difficult to measure the size of certain displays to ensure compliance. Minnesota and Oregon report that they utilize drones for surveillance of advertising signs. However, as underlined by Oregon DOT, the State regulations impose certain restrictions on the use of drones. The State of New Jersey mentions that additional funding is required to ensure successful development and implementation of the new technologies for outdoor advertising. Wisconsin DOT raises an important issue related to nonconforming digital/electronic signs, which cease to work.

Baseline Standard 17: State DOTs should establish a Committee of stakeholders, who have sufficient knowledge and experience regarding the new technologies that are used for outdoor advertising. The Committee will assist State DOTs with resolving complex issues associated with the new technology implementation, which will further allow improving the overall efficiency of the Federal OAC program.

Baseline Standard 18: Additional funds should be allocated to assist State DOTs with development and implementation of the new technologies for outdoor advertising.

Application of advanced technologies would allow State DOTs managing the Federal OAC program in a more efficient manner. For example, deployment of drones (Figure 18) would facilitate inventory and surveillance of advertising signs (as compared to inspectors who have to visit sign locations). Initially the cost of drones was relatively high, but nowadays they became affordable (the cost of drones generally starts at $\approx \$1,000$).



Source: <http://www.expertdrones.com/alldrones/>.

Figure 18 Examples of drones.

6.4.2. Vegetation control

The survey results indicate that a total of 26 State DOTs (or $\approx 51.0\%$) have a program in place to improve the visibility of outdoor advertising signs from the main-travelled way. The sign owners are generally able to apply for a permit in order to remove the excessive vegetation, surrounding their advertising signs.

Baseline Standard 19: State DOTs that currently do not have a visibility improvement program in place for outdoor advertising signs should focus on development of such program.

The criteria that should be considered by State DOTs before issuing the vegetation control permit include but are not limited to the following:

- 1) Did the obstructing vegetation exist before construction of the advertising sign?
- 2) Is the vegetation removal going to aesthetically affect the view to the roadway travelers?
- 3) Is the advertising sign conforming? The vegetation control permits for nonconforming signs should not be issued or issued on a limited basis.
- 4) Does the vegetation obstruct the advertising sign visibility fully (see Figure 19A) or partially (see Figure 19B)?
- 5) Is the vegetation located in the median of the divided roadway? If yes, the vegetation control permit should be denied, as removal of the vegetation in the median of the divided roadway may cause potential safety hazards for travelers.

- 6) Does the vegetation serve as a screen for nearby residents? If yes, the vegetation control permit should not be issued or issued on a limited basis.
- 7) Does the vegetation serve as a screen for junkyards and/or unsightly businesses? If yes, the vegetation control permit should not be issued or issued on a limited basis.
- 8) Can the vegetation be used as a snow fence during snow storms? If yes, the vegetation control permit should not be issued or issued on a limited basis.
- 9) Is the vegetation considered as an integral part of landscape, scenic area, or wildlife area? If yes, the vegetation control permit should not be issued or issued on a limited basis.
- 10) Who is the owner of the vegetation? The sign owner, applying for the vegetation control permit, may have to compensate the vegetation owner for cutting the vegetation.
- 11) Will the vegetation removal cause any other issues/concerns (not mentioned above)?
- 12) And others (to be determined by the appropriate State DOT officials).

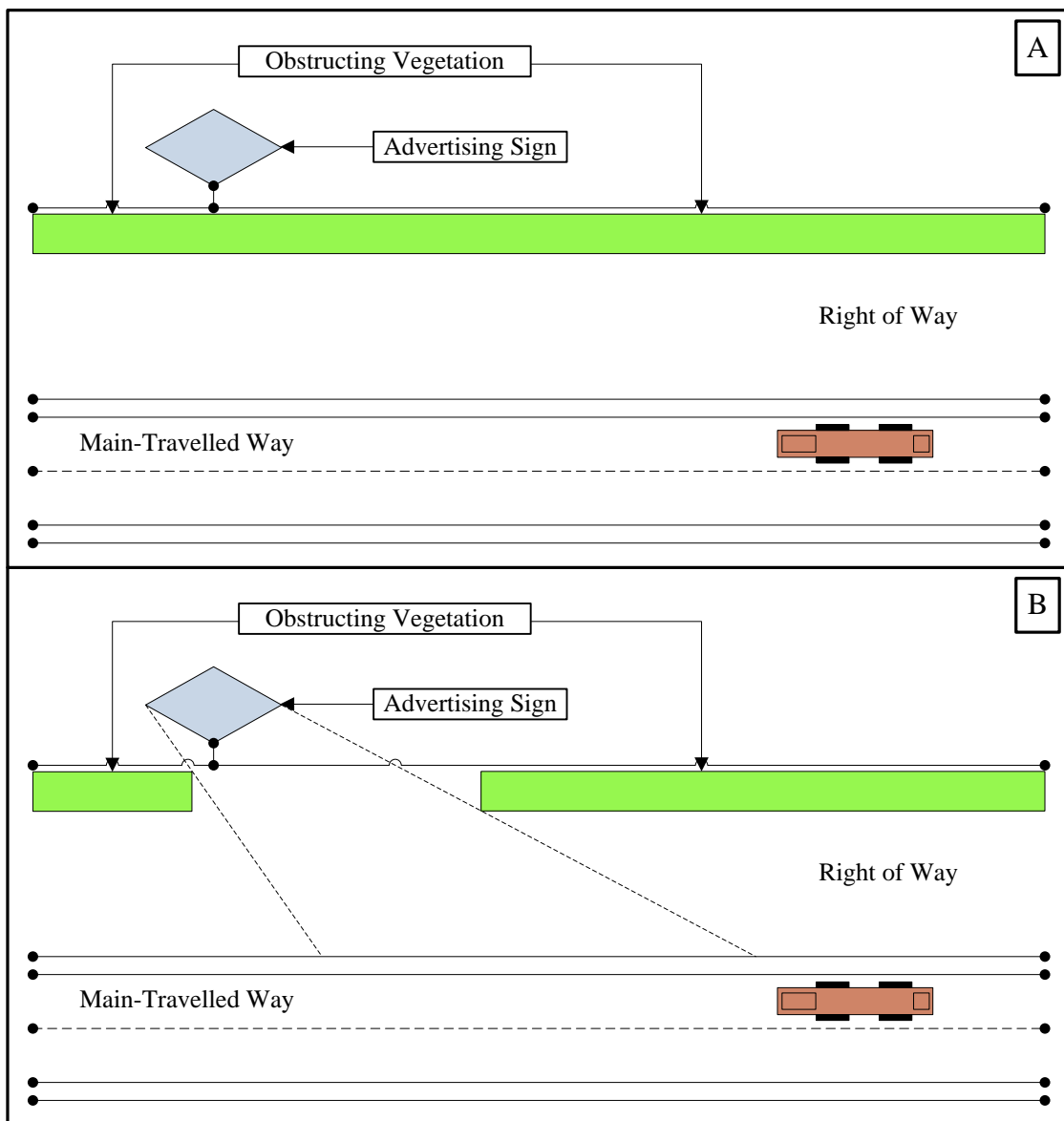


Figure 19 Advertising sign visibility obstruction (A – Full; B – Partial).

As a result of the conducted survey, a number of issues, associated with vegetation control, were reported by the State DOT representatives. Specifically, certain outdoor advertising sign owners remove vegetation without having the State authorization (e.g., Alabama, Arkansas, Delaware, Maryland, Massachusetts, and others). The State of Alabama points out the issue of not being able to revoke the sign permit for the illegal vegetation removal. Indiana DOT indicates that some of the companies may park on the right of way, while removing the vegetation, which may further cause potential safety hazards for travelers. The State of Tennessee reports that certain sign owners may leave the removed vegetation on the right of way. Therefore, State DOTs should request the sign owners to agree with certain provisions, ensuring that the vegetation would be removed in an appropriate manner, before issuing the vegetation control permit.

Baseline Standard 20: State DOTs must include provisions in the vegetation control permit application, ensuring that the vegetation will be removed without causing potential safety hazards for roadway travelers. Each sign owner should agree to comply with those provisions in order to receive the vegetation control permit.

Baseline Standard 21: Strict penalties should be imposed to the sign owners, who remove the vegetation without the State authorization or violate the vegetation control requirements (e.g., revoke the advertising sign permit; impose monetary penalties).

6.4.3. Regulatory difficulties

It was found that 13 States (or $\approx 25.5\%$) experience the issues related to zoning identification. Alabama, Alaska, Colorado, Kansas, and Nebraska underline that rural areas are the most difficult to regulate in their States. District of Columbia, Maine, Rhode Island, and Virginia report challenges in regulating urban areas. The States of Michigan, North Dakota, Ohio, and Utah highlight difficulties in regulating urban/rural areas and identifying the zoning designation. A number of other difficulties, associated with the Federal OAC program implementation, have been reported by the State DOT representatives, including the following: a) areas, located in a residential zone on a State road that is not part of the National Highway System; b) spacing measurement interpretation (e.g., straight line vs. incorporating geometry of the roadway); c) enforcing compliance of private companies; d) staffing issues; e) geographically dense areas that are already populated with a large number of permitted signs; f) Interstate routes that have more and brighter advertising signs; g) mountainous areas; and others (see Appendix J for more details).

Baseline Standard 22: State DOTs should establish a Committee of stakeholders, who have sufficient knowledge and experience regarding the Federal OAC program. The Committee will assist State DOTs with resolving complex issues associated with the Federal OAC program. The Committee will closely work with the appropriate Federal agencies to ensure that issues, which require the Federal involvement, will be addressed as well.

6.5. Other

6.5.1. Overlapping OA regulations

Many regulations (i.e., Bonus agreements, Federal/State agreements, State Statutes, State OA administrative rules and regulations, local ordinances), governing the outdoor advertising, are

overlapping in their nature. Based on the analysis of responses from the State DOT representatives, it was found that local jurisdictions have their own requirements for outdoor advertising signs regarding sizing, spacing, lighting, placement, and other attributes. Generally, local jurisdictions impose stricter requirements for outdoor advertising signs as compared to the State OA administrative rules and regulations. North Carolina DOT points out the issue associated with the fact that some sign owners obtain both State and local permits and follow only the State regulations as they are less strict. In certain States the sign owners are obligated to receive a local government approval before applying for the State sign permit (e.g., Arizona, California, Florida, Illinois, Kentucky, and others).

Furthermore, the survey results show that in 29 States (or $\approx 56.9\%$) the existing State laws are more restrictive than the Federal/State agreements. The States of Arizona and Rhode Island indicate that their laws have stricter requirements regarding the new technology implementation than the Federal/State agreement. District of Columbia, Michigan, and Mississippi underline that their local regulations are more detailed (and more restrictive) as compared to the Federal/State agreement. Some States specifically highlight that their regulations have stricter requirements than the Federal/State agreement in terms of sign spacing (e.g., Florida, Illinois, Louisiana, Massachusetts, Oklahoma, and others), facing size (e.g., Florida, Illinois, New Mexico, Texas), height (Texas), commercial/industrial activities in an unzoned area (Texas), and access (Texas).

Baseline Standard 23: State DOTs should coordinate with the appropriate Federal agencies and local jurisdictions and establish the consistent requirements for advertising signs, located along the OAC routes. Based on the consistent requirements, only one permit, approved by both the State DOT and the local jurisdiction, should be issued to each sign owner.

6.5.2. Effectiveness criteria for the Federal OAC program

It was found that only 20 State DOTs (or $\approx 39.2\%$) evaluate effectiveness of the Federal OAC program. A number of States rely on the FHWA reviews to assess how efficiently the Federal OAC program is being managed. Several States evaluate effectiveness of the Federal OAC program based on the inventory process (e.g., the number of illegal signs removed, the number of back-logged appeals, review of sign permits, spacing of signs, etc.). Internal audits and process reviews are conducted in the States of Colorado, Illinois, and North Dakota to monitor effectiveness of the Federal OAC program. However, the majority of States (31 States or $\approx 60.8\%$) do not have any performance measures for assessing effectiveness of the Federal OAC program. Development of such performance measures would assist the State DOT representatives with identification of the Federal OAC program aspects that require additional attention.

Baseline Standard 24: State DOTs should focus on development of performance measures for evaluating effectiveness of the Federal OAC program and identification of the aspects that require additional attention.

The criteria (or performance measures), which should be used for assessing effectiveness of the Federal OAC program, may include but are not limited to:

- 1) FHWA reviews – all comments and concerns raised by the FHWA representatives should be addressed in a timely manner. Otherwise, penalties to a given State DOT may be applied (including a 10% reduction in the State’s annual Federal-aid highway apportionment);
- 2) Inventory data
 - a. Number of legal signs (and/or square footage of legal signs) – increasing number of permitted advertising signs may indicate that the existing State OA regulations and procedures are adequate and the Federal OAC program is being managed effectively;
 - b. Number of nonconforming advertising signs (and/or square footage of nonconforming signs) – increasing number of nonconforming advertising signs indicates that as a result of introducing the new State OA regulations certain legal advertising signs became nonconforming. A substantial number of nonconforming signs may also indicate that the Federal OAC program is not being managed effectively;
 - c. Number of violations related to maintenance of nonconforming advertising signs – increasing number of violations related to maintenance of nonconforming advertising signs may indicate that the existing State OA regulations and procedures need revisions (e.g., definition of “customary maintenance” is not being clear to the sign owners) and the Federal OAC program is not being managed effectively;
 - d. Number of illegal signs (and/or square footage of illegal signs) – increasing number of illegal advertising signs may indicate that the existing State OA regulations and procedures need revisions (e.g., introduction of stricter penalties for incompliance) and the Federal OAC program is not being managed effectively;
 - e. Timely renewal of advertising sign permits – if the sign owners generally renew their permits on time, the existing State OA regulations and procedures are adequate and the Federal OAC program is being managed effectively;
 - f. Number of new sign owners – increasing number of new sign owners may indicate that the existing State OA regulations and procedures are adequate and the Federal OAC program is being managed effectively;
 - g. And others.
- 3) Internal audits – include internal procedures that are conducted by the State OA Managers (e.g., ensure that the inventory data are properly documented; the owner of illegal signs receive the appropriate notices in a timely manner; illegal signs are being removed in a timely manner; etc.).
- 4) And others (to be determined by the appropriate State DOT officials).

6.5.3. Training programs for the State OA Managers

Throughout the survey, conducted under this project, it was found that some State DOT representatives did not have sufficient experience/knowledge to answer certain questions (e.g., when was the last Bonus payment received; how does your State ensure timely removal of illegal signs; is there any duplicative administrative oversight by local governments on the same outdoor advertising signs or regulatory routes; has your State’s Federal/State agreement ever been amended or modified; and others). Many State DOT representatives had difficulties in

answering questions Q19 “Have Federal dollars ever been utilized in the acquisition of nonconforming signs?”, as no Federal funds were used to acquire nonconforming signs during their presence at a given State DOT, but they were not sure if Federal funds were used before their presence. Additional training programs should be initiated by the State DOTs to ensure that the State OA Managers have an adequate knowledge regarding the main aspects of the Federal OAC program. The latter will also allow improving efficiency of the Federal OAC program implementation across the nation.

Baseline Standard 25: State DOTs should develop a training program for the State OA Managers and cover the main aspects of the Federal OAC program to ensure that the State OA Managers are familiar with the basic terms of the program.

6.5.4. Training programs for the sign owners

In order to apply for a sign permit the sign owners have to read and agree to comply with a set of requirements. However, certain requirements may not be easy to understand for some sign owners (e.g., definition of “customary maintenance” for nonconforming signs). The consequences of such misunderstanding may be serious. For example, the sign owner may make substantial changes to a nonconforming sign unintentionally, and the sign will be removed by the State (which may further lead to legal issues and court hearings). To avoid such issues the training program for the new sign owners should be initiated in each State. Throughout the training the State DOT representatives should clearly explain the OA requirements to the sign owners and address any questions that may arise. The funding for such training program can be allocated from increasing the permit renewal fee (by $\approx 3-5\%$).

Baseline Standard 26: State DOTs should develop a training program for the new sign owners to make sure that the sign owners clearly understand the OA requirements that they should comply with.

6.5.5. Understaffing and funding issues

Throughout the survey a number of State DOT representatives underline the understaffing and funding issues, associated with the Federal OAC program. A substantial number of State DOTs are not able to perform regularly scheduled inventory and surveillance of their advertising signs due to limited resources. The State of New Jersey indicates that they are not able to adequately address the new technology challenges due to insufficient funding. Several State DOTs point out that they are not able to manage the Federal OAC program efficiently due to understaffing. Additional monetary resources should be allocated to State DOTs by the appropriate Federal agencies to mitigate or even eliminate underline the understaffing and funding issues.

Baseline Standard 27: The appropriate Federal agencies should assist State DOTs with resolving the understaffing and funding issues in order to ensure efficient implementation of the Federal OAC program across the nation.

7. PRIORITIZATION OF BASELINE STANDARDS

This section of the report prioritizes the proposed baseline standards in terms of difficulties of their implementation and categorizes them into three groups: 1) DOT level – the baseline standards, belonging to that group, can be implemented by the DOT representatives without significant involvement of the State and Federal agencies; 2) State level – the baseline standards, belonging to that group, will require involvement of the DOT representatives and State agencies; 3) Federal level – the baseline standards, belonging to that group, will require involvement of the DOT representatives, State agencies, and Federal agencies.

7.1. DOT Level

Baseline Standard 1: The contact list of State OA Managers should be updated at least on a semi-annual basis.

Baseline Standard 5: Each State DOT should focus on development of the procedures for outdoor advertising, which shall outline the provisions that will comply with all the existing OA rules and regulations enforced in a given State, in order to facilitate implementation of the Federal OAC program.

Baseline Standard 7: State DOTs should focus on development of more advanced methods for identification of the OAC routes.

Baseline Standard 11: State DOTs must gather as much data as possible throughout the inventory of advertising signs (number of legal signs, number of illegal signs, and number of nonconforming signs at the minimum). The collected data can be further used to assess effectiveness of the Federal OAC program implementation.

Baseline Standard 16: State DOTs should focus on development of detailed acquisition procedures for advertising signs in coordination with the appropriate State legislative agencies.

Baseline Standard 17: State DOTs should establish a Committee of stakeholders, who have sufficient knowledge and experience regarding the new technologies that are used for outdoor advertising. The Committee will assist State DOTs with resolving complex issues associated with the new technology implementation, which will further allow improving the overall efficiency of the Federal OAC program.

Baseline Standard 19: State DOTs that currently do not have a visibility improvement program in place for outdoor advertising signs should focus on development of such program.

Baseline Standard 20: State DOTs must include provisions in the vegetation control permit application, ensuring that the vegetation will be removed without causing potential safety hazards for roadway travelers. Each sign owner should agree to comply with those provisions in order to receive the vegetation control permit.

Baseline Standard 22: State DOTs should establish a Committee of stakeholders, who have sufficient knowledge and experience regarding the Federal OAC program. The Committee will assist State DOTs with resolving complex issues associated with the Federal OAC program. The Committee will closely work with the appropriate Federal agencies to ensure that issues, which require the Federal involvement, will be addressed as well.

Baseline Standard 24: State DOTs should focus on development of performance measures for evaluating effectiveness of the Federal OAC program and identification of the aspects that require additional attention.

Baseline Standard 25: State DOTs should develop a training program for the State OA Managers and cover the main aspects of the Federal OAC program to ensure that the State OA Managers are familiar with the basic terms of the program.

Baseline Standard 26: State DOTs should develop a training program for the new sign owners to make sure that the sign owners clearly understand the OA requirements that they should comply with.

7.2. State Level

Baseline Standard 10: Each State DOT should conduct inventory and surveillance of advertising signs on a regular basis. Additional monetary resources should be allocated to perform inventory and surveillance of advertising signs. **The inventory should be more frequent than surveillance**, as surveillance involves on-site visits of advertising signs, which require more resources. The frequency of inventory and surveillance may vary from one State to another and should be governed by certain criteria, established by State DOTs and other government officials.

Baseline Standard 12: State DOTs should focus on development of advanced data collection and inventory systems for advertising signs, which would assist with efficient management of the Federal OAC program. Additional monetary resources should be allocated to State DOTs to develop new data collection and inventory systems or upgrade the existing ones.

Baseline Standard 14: State DOTs (in coordination with the appropriate State legislative agencies) should introduce the adequate penalties for noncompliance with the existing State regulations, related to advertising signs.

Baseline Standard 15: State DOTs that currently do not have any procedures for timely removal of illegal advertising signs must focus on development of such procedures in coordination with the appropriate State legislative agencies.

Baseline Standard 18: Additional funds should be allocated to assist State DOTs with development and implementation of the new technologies for outdoor advertising.

Baseline Standard 21: Strict penalties should be imposed to the sign owners, who remove the vegetation without the State authorization or violate the vegetation control requirements (e.g., revoke the advertising sign permit; impose monetary penalties).

7.3. Federal Level

Baseline Standard 2: Since no Bonus payments are currently being issued to the Bonus States, the Bonus agreements must be terminated in future in order to reduce the additional administrative burden for the Bonus States.

Baseline Standard 3: In order to achieve the main objectives of the Federal OAC program and the Highway Beautification Act (i.e., promote the public travel, ensure the effective display of advertising signs, protect the public investment in the Interstate and Federal-aid primary highways) the Federal/State agreements should impose the consistent requirements in terms of spacing, size, and lighting for outdoor advertising signs.

Baseline Standard 4: The appropriate Federal agencies must develop additional guidelines (that will accompany the Federal/State agreements), providing a detailed explanation of how spacing between outdoor advertising signs and facing of outdoor advertising signs should be measured.

Baseline Standard 6: A clear and consistent definition of areas for the effective control of advertising signs (i.e., inside/outside urban areas and inside/outside incorporated areas) should be provided in the Federal/State agreements, State Statutes, administrative rules, and regulations.

Baseline Standard 8: The appropriate Federal agencies should establish a clear definition of commercial or industrial activities and areas, which will be applied in each State to eliminate the existing inconsistencies.

Baseline Standard 9: A consistent definition of an “urban area” should be developed at the Federal level based on Title 23 of the United States Code, since the majority of States use definitions that are very similar to the one proposed in Title 23 of the United States Code.

Baseline Standard 13: State DOTs should coordinate with the appropriate Federal agencies and develop a clear and consistent definition of the “customary maintenance” of nonconforming signs at the Federal level to reduce the number of violations related to maintenance of nonconforming signs and improve efficiency of the Federal OAC program.

Baseline Standard 23: State DOTs should coordinate with the appropriate Federal agencies and local jurisdictions and establish the consistent requirements for advertising signs, located along the OAC routes. Based on the consistent requirements, only one permit, approved by both the State DOT and the local jurisdiction, should be issued to each sign owner.

Baseline Standard 27: The appropriate Federal agencies should assist State DOTs with resolving the understaffing and funding issues in order to ensure efficient implementation of the Federal OAC program across the nation.

8. CONCLUSIONS

The Highway Beautification Act was signed in 1965 with the main objective to establish an efficient outdoor advertising control (OAC) program for erection and maintenance of the outdoor advertising signs, displays and devices, which are located in a close proximity to the National Interstate System. The Highway Beautification Act imposed a number of requirements for a set of advertising signs, including directional and official signs, on-property signs, and new signs in commercial and industrial areas consistent with the size, lighting and spacing criteria of the Federal/State agreements. Over the years a number of issues have been surrounding the Highway Beautification Act. These issues include the following: (1) the attitude and relationship issues (e.g., certain stakeholders and industry representatives do not believe that the Highway Beautification Act would make any positive impact on the industry and society); (2) organizational issues at both State and Federal levels (e.g., the insufficient staffing and funding issues); and (3) substantive issues (e.g., new billboard technology, abuses of signage in commercial and industrial areas, nonconforming signs, vegetation control, inconsistent regulation and enforcement, the Bonus program, Federal/State agreements, and others).

In order to resolve the existing issues, associated with the Federal OAC program, and eliminate the inconsistencies in the outdoor advertising regulations, a comprehensive survey was conducted among the State Departments of Transportation (DOTs) under this project. The survey included a total of 40 questions, focusing on different aspects of the Federal OAC program, including the following: 1) General (Bonus agreements; existing OA rules and regulations); 2) Definition of areas for OAC (e.g., definition of inside/outside urban boundaries and inside/outside incorporated areas; the OAC route identification; definition of commercial/industrial area; definition of an urban area); 3) Federal OAC program administration (inventory, maintenance, surveillance, removal of illegal signs, coordination, sign permits and/or licenses, and sign acquisition); 4) Issues/inconsistencies associated with the Federal OAC program implementation (new technology challenges, vegetation control issues, areas that are most difficult to regulate, violations regarding maintenance/removal of the nonconforming signs); and 5) Other (duplicative administrative oversight by local governments, Federal/State agreement amendments, criteria used to evaluate effectiveness of the Federal OAC program). Furthermore, throughout the survey the Federal/State agreement and the existing OA regulations and procedures were collected for each State.

All 50 States and District of Columbia participated in the conducted survey. The collected data, provided by the State DOT representatives, were synthesized and critically analyzed. Findings from the analysis of synthesized data served as the baseline information, which was further used in development of standards for the Federal OAC program and criteria that should be considered throughout implementation of the proposed standards. The developed baseline standards cover the major aspects of the Federal OAC program and are expected to improve effectiveness of the program across the nation. Implementation of the proposed baseline standards will allow addressing the key issues, which were identified based on the data collected from the State DOT representatives, including the following: a) termination of the Bonus agreements; b) development of the consistent requirements in the Federal/State agreements with respect to spacing, size, and lighting for outdoor advertising signs; c) precise definition of areas for the effective control of advertising signs; d) regularly scheduled inventory and surveillance of advertising signs; e)

implementation of the new technologies; f) maintenance of nonconforming signs; g) penalties and timely removal of illegal signs; h) vegetation control; i) overlapping OA regulations; j) effectiveness of the Federal OAC program; and others.

Implementation of the proposed baseline standards will require coordination among various parties, including the appropriate Federal agencies, State government officials, State DOTs, local jurisdictions, industry representatives, and others. Without such coordination it will be difficult or even impossible to enforce the baseline standards across the nation and eliminate the existing issues and inconsistencies, surrounding the Federal OAC program. The developed baseline standards will facilitate an efficient control of the outdoor advertising signs, displays and devices, located in a close proximity to the National Interstate System, which is the main objective of the Highway Beautification Act.

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7. NAHBA, 2016. State Outdoor Advertising Managers – Contact List (November 14, 2016). <http://www.nahba.org/aboutnahba/>. Accessed 20 November 2016.
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APPENDICES

Appendix A. A Copy of the Questionnaire Used to Collect the Data



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QUESTIONNAIRE

**ATTN: XXX Department of Transportation
XXX Department of Transportation Address**

Subject: Questionnaire “Establishment of Effective Control Factors to Achieve Federal Enforcement Consistency with the Highway Beautification Act”

Greetings,

My name is Maxim Dulebenets. I am an Assistant Professor at the Department of Civil and Environmental Engineering at Florida A&M University - Florida State University College of Engineering (Tallahassee, FL). Currently we are involved in the project sponsored by Florida Department of Transportation (Project Manager – Mr. Robert Jessee), aiming to identify the best practices of implementing the Federal Outdoor Advertising Control (OAC) program. As a part of the project, we are required to conduct a survey among the State Departments of Transportation (DOTs) to collect the data related to the administration of the Federal OAC program in the nation. The Federal OAC program, established in 1965 (as a part of the Highway Beautification Act), requires all the States to effectively control advertising signs adjacent to regulated Federally-aided routes. The program is applied only to specific advertising signs, including the following: 1) Directional and official signs; 2) On-property signs - sale, lease or activity; and 3) New signs in commercial and industrial areas consistent with the size, lighting, and spacing criteria in the State/Federal agreements.

The OAC program is expected assist with protecting the public investment in highways, promoting safety and recreational value of the public travel, and preservation of the natural beauty. Despite the existing Federal requirements, there are inconsistencies among the States related to the OAC program implementation. The inconsistencies include but are not limited to: a) determination of the outside urban areas, where the effective control should be provided; b) definition of visibility; c) the standards for reading a sign from the travelled way; and others. The survey performed in this study will allow eliminating the existing inconsistencies and will facilitate implementation of the Federal OAC program in the nation by suggesting a set of baseline standards. The survey includes 40 questions, most of which require “yes/no” answers. We would like to ask you, as a State DOT representative, to kindly respond to the following questions:

Personal Information

Q1. Please identify yourself:

| | |
|------------|--|
| Name | |
| Agency | |
| Department | |
| Title | |
| Address | |
| Telephone | |
| E-mail | |
| Fax | |
| Website | |

Q2. What category best describes the main function of your office?

| | |
|--------------------------|----------------------------|
| <input type="checkbox"/> | Construction |
| <input type="checkbox"/> | Design |
| <input type="checkbox"/> | Emergency Management |
| <input type="checkbox"/> | Environmental Management |
| <input type="checkbox"/> | Information Technology |
| <input type="checkbox"/> | Maintenance |
| <input type="checkbox"/> | Planning |
| <input type="checkbox"/> | Policy Planning |
| <input type="checkbox"/> | Program Management |
| <input type="checkbox"/> | Public Information |
| <input type="checkbox"/> | Right of Way |
| <input type="checkbox"/> | Safety |
| <input type="checkbox"/> | Traffic Operations |
| <input type="checkbox"/> | Transit |
| <input type="checkbox"/> | Transportation Development |
| <input type="checkbox"/> | Transportation Statistics |
| <input type="checkbox"/> | Other (please specify): |

General Questions

Q3. Is your State a Bonus State?

| | |
|--------------------------|--|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify when was the last time your State received a bonus payment): |

Q4. If your State is not a Bonus State, has your State ever had Federal funding reduced as a result of loss of effective control? If yes, please elaborate.

| |
|--|
| |
|--|

Q5. Does your State currently have laws/regulations in place to control outdoor advertising?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Q6. Does your State currently have procedures in place to control outdoor advertising?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Q7. Does your State currently have a program in place to improve the visibility of outdoor advertising signs from the main-travelled way?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Definition of Areas for OAC

Q8. How are the areas (i.e., inside and outside urban boundaries, inside and outside incorporated areas) for the effective control of signs determined in your State?

| |
|--|
| |
|--|

Q9. How are routes for your State's OAC program identified?

| | |
|--------------------------|-------------------------|
| <input type="checkbox"/> | Map |
| <input type="checkbox"/> | Written description |
| <input type="checkbox"/> | Both |
| <input type="checkbox"/> | Other (please specify): |

Q10. Does your State have laws/regulations defining a commercial/industrial area?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Q11. Does your State have laws/regulations defining an urban area?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Federal OAC Program Administration

• Inventory

Q12. Does your State conduct regularly scheduled sign inventories?

| | |
|--------------------------|---------------------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify how often): |

Q13. Does your State use an automated data collection/inventory system?

| | |
|--------------------------|---|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify how long it has been used, how efficient it is, any planned updates of the system, etc.): |

Q14. Does your State inventory system track the square footage of legal signs?

| | |
|--------------------------|-----|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes |

Q15. Does your State inventory system track the square footage of illegal signs?

| | |
|--------------------------|-----|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes |

Q16. Does your State inventory system track the square footage of nonconforming signs²?

| | |
|--------------------------|-----|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes |

Q17. Does your State perform inventory of nonconforming signs?

| | |
|--------------------------|-----|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes |

² “A nonconforming sign is a sign which was lawfully erected but does not comply with the provisions of State law or State regulations passed at a later date or later fails to comply with State law or State regulations due to changed conditions. Changed conditions include, for example, signs lawfully in existence in commercial areas which at a later date become noncommercial, or signs lawfully erected on a secondary highway later classified as a primary highway” (Legal Information Institute, 2016: <https://www.law.cornell.edu/cfr/text/23/750.707>).

Q18. Does your State record the reason why a sign is nonconforming?

| | |
|--------------------------|-----|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes |

Q19. Have Federal dollars ever been utilized in the acquisition of nonconforming signs?

| | |
|--------------------------|-----|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes |

Q20. Does your State perform inventory of illegal signs?

| | |
|--------------------------|-----|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes |

Q21. Does your State track the relevant dates of an illegal sign's life cycle?

| | |
|--------------------------|-----|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes |

• **Maintenance**

Q22. Does your State have laws/regulations defining maintenance and continuation of nonconforming signs?

| | |
|--------------------------|---------------------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify how often): |

Q23. Please elaborate in a few sentences how your State handles the maintenance and continuation of nonconforming signs?

| |
|--|
| |
|--|

• **Surveillance**

Q24. Does your State conduct regularly scheduled quality assurance (i.e., a detailed route inspection to ensure an adequate reporting)?

| | |
|--------------------------|---------------------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify how often): |

• Removal of the illegal signs

Q25. Are there any penalties imposed in your State associated with illegal signs?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

• Coordination

Q26. How does your State ensure timely removal of illegal signs?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

• Sign permits and/or licenses

Q27. Has a permitting and license program been adopted by your State to facilitate control and inventory of signs?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Q28. Is a permit issued by sign face, sign location, or facing direction?

| | |
|--------------------------|-------------------------------|
| <input type="checkbox"/> | Location |
| <input type="checkbox"/> | Face |
| <input type="checkbox"/> | Facing direction |
| <input type="checkbox"/> | Combination (please specify): |
| <input type="checkbox"/> | Other (please specify): |

• Acquisition

Q29. Please elaborate in a few sentences how the acquisition of signs (i.e., removal of signs and compensation) is performed in your State?

| |
|--|
| |
|--|

Issues/Inconsistencies Associated with the Federal OAC Program Implementation

Q30. Are there any new technology challenges associated with the OAC program implementation in your State?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Q31. Are there any vegetation control issues associated with the OAC program implementation in your State?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Q32. What are the areas most difficult to regulate? (Areas can be geographical, zoning designations, urban vs. rural, incorporated vs. unincorporated). Please elaborate.

| | |
|--|--|
| | |
|--|--|

Q33. Does the industry challenge violations regarding maintenance/removal of the nonconforming signs in your State?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Other

Q34. Is there any duplicative administrative oversight by local governments on the same outdoor advertising signs or regulatory routes?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Q35. Are your State laws more restrictive than your Federal/State agreement?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Q36. Has your State's Federal/State agreement ever been amended or modified?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Q37. Are there any criteria used to evaluate effectiveness of the Federal OAC program in your State?

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | No |
| <input type="checkbox"/> | Yes (please specify): |

Q38. Please provide a copy of your State's Federal/State agreement.

Q39. Please provide a copy of the laws and regulations your State utilizes to control outdoor advertising.

Q40. Please provide any procedures your State may utilize for the control of outdoor advertising.

Thank you for your time and participation.

Please do not hesitate to contact us if you have any questions.

=====
Best regards,

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Appendix C. State Laws and Regulations Adopted to Control Outdoor Advertising

| State | Outdoor Advertising Laws and Regulations |
|----------------------|--|
| Alabama | Code of Alabama, Title 23, Chapter 1 (23-1-270 thru 288) and Alabama Administrative Code Chapter 450-10-1. |
| Alaska | Outdoor advertising is expressly prohibited. AS 19.25.075-.180. |
| Arizona | AZ Administrative Code R17-3-701 thru R17-3-702; AZ Revised Statute Title 28 Chapter 23. |
| Arkansas | We have a state version of the Highway Beautification Act, plus the Scenic Byways Program. |
| California | Business and Professions Code §5200-5486 et. seq.; California Code of Regulations §2240-2519 et. seq. |
| Colorado | Rules Governing Outdoor Advertising in Colorado 2 CCR 601-3; The Outdoor Advertising Act CRS 43-1-401. |
| Connecticut | There are several State statutes that regulate outdoor advertising as well as administrative regulations (General Statutes Chapter 411 Sections 21-50 thru 21-63; Sections 13a – 123). |
| Delaware | Delaware Code, Title 17 Chapter 11; Delaware Administrative Code, Title 2, Section 2600. |
| District of Columbia | We are in the process of consolidating and simplifying these regulations (District of Columbia Municipal Regulations). |
| Florida | Outdoor advertising in the State of Florida is governed by both Statute and Rule. The Statute is 479 and the Rule is 14-10 F.A.C. |
| Georgia | The Georgia Outdoor Advertising Control Act O.C.G.A. 32-6-70 et. seq. and State Transportation Board Rules 672-6. |
| Hawaii | Not allowed, Hawaii State Law (No Billboards). |
| Idaho | ID Administrative Rules 39.03.60; ID Statutes Title 40 Chapter 19. |
| Illinois | The State Highway Advertising Control Act of 1971 (225 ILCS 440) and the enabling rules, Illinois Administrative Code Title 92. |
| Indiana | ODA Manual and Indiana Code (Title 8). |
| Iowa | Iowa Code 306B, 306C, 306D, 318. Rules are found in Iowa Administrative Code 761 IAC 117 and 120. |
| Kansas | KS State Statute 68-2231 et al.; Highway Beautification Highway Advertising Control Act of 1972, rev. 2006. |
| Kentucky | KRS 177.571-177.576; KRS 177.830-177.890; 603 KAR 10:002, 10:010, 10:021. |
| Louisiana | LA Revised Statutes 48:461; LA Administrative Code Title 70. |
| Maine | Maine Travelers Information Act Title 23 Chapter 21. |
| Maryland | MD Administrative Code Sections 8-605(F), 8-701 thru 8-812. |
| Massachusetts | State Law M.G.L. Ch. 93 & 93D; Regulations - 700CMR 3.00. |
| Michigan | Highway Advertising Act of 1972, PA 106 of 1972. |
| Minnesota | MN Outdoor Advertising Act; MN Revised State Statutes 8810.0200 thru 8810.3200; MN State Statutes Chapter 173. |
| Mississippi | MS Administrative Code Title 49 Chapter 23; ODA Regulations (Subpart 7501 - Maintenance). |
| Missouri | Section 226.500-600 RSMo, 7 CSR 10-6. |
| Montana | MT Administrative Code Title 75 Chapter 15; MT Administrative Rules 18.6.201 - 18.6.204. |
| Nebraska | NE Revised Statute Title 410 Chapter 3 Section 002. |

| State | Outdoor Advertising Laws and Regulations |
|----------------|--|
| Nevada | NV Revised Statutes Chapter 410 Sections 410.030-410.410; NV Administrative Codes Chapter 410 Sections 410.001-410.800. |
| New Hampshire | NH Administrative Rules Tra 601. |
| New Jersey | N.J.A.C. 16:41C-1.1 et. seq. |
| New Mexico | NM Highway Beautification Act (NMSA 1978 §§ 67-12-1 to 67-12-15); NMDOT Outdoor Advertising Requirements (NMAC 18.21.5). |
| New York | NY Codes, Rules & Regulations, Highway, Title 17, Part 150; State Highway Law Sections 86 and 88. |
| North Carolina | NC General Statutes 136-126 thru 136-140.5; Administration Code 19A NCAC 02E. |
| North Dakota | NDCC Chapter 24 Section 17 – Advertising Adjacent to Highways; ND Administrative Rule, Article 37-05 – O.A. Adjacent to Highways. |
| Ohio | OH Revised Code Chapter 5516; OH Administrative Code Chapter 5501:2-2. |
| Oklahoma | OK State Statutes Title 69 Chapter 1 Sections 1271-1288; OK Administrative Code Title 730 Chapter 35 Subchapter 5. |
| Oregon | OR Revised Statute Chapter 377; OR Administrative Rules 734-059, 734-060, 734-062, 734-063 and 734-065. |
| Pennsylvania | The Outdoor Advertising Control Act of 1971 (The Act 160); 67 PA Code Chapter 445. |
| Rhode Island | RI Outdoor Advertising Rules and Regulations; RI State Statutes 24-10.1-1 thru 24-10.1-12. |
| South Carolina | SC Code of Laws Title 57 Chapter 25; SC DOT Regulations Sections 63-341 thru 63-354. |
| South Dakota | SD State Statutes SDCL 31-29. |
| Tennessee | TCA (TN Code Annotated) Chapter 54; Rules of the TN Department of Transportation Chapter 1680-02-03 Control of Outdoor Advertising. |
| Texas | TX State Statutes Title 6 Chapter 391; TX Administrative Code Title 43 Sections 21.141 thru 21.148. We are given authority by the Statutes to pass regulations to provide for effective control. |
| Utah | UT Outdoor Advertising Act UCA 72-7 Part 5. |
| Vermont | VT State Statutes 10 VSA Chapter 21. |
| Virginia | Code of Virginia Title 33.2 Chapter 12; VA Administrative Code 24VAC30-120. |
| Washington | Revised Code of Washington (RCW) Chapter 47.42; Washington Administrative Code (WAC) Chapter 468-66. |
| West Virginia | WV Code 17-22 and CSR 157. |
| Wisconsin | WI State Statutes 84.30; WI Administrative Code Chapter Trans 201. |
| Wyoming | WY DOT Regulations Chapter 16. WY DOT with the approval of the Transportation Commission of Wyoming, pursuant to authority of W.S. 24-10-105, is authorized to promulgate rules and regulations. |

Appendix D. State Procedures Adopted to Control Outdoor Advertising

| State | Outdoor Advertising Procedures |
|----------------------|--|
| Alabama | N/A |
| Alaska | Regional property management teams file complaints and enforce as budget and resources permit. |
| Arizona | We contract a three person consulting firm to perform a twice annual survey of all existing ODA. The firm also inspects locations where application has been made to erect ODA. All procedures are written by the State Manager and they are implemented by the firm we contract. |
| Arkansas | We require state permits for signs along specified routes. |
| California | Business and Professions Code, §5200-5486 et. seq. California Code of Regulations, §2240-2519 et. seq. |
| Colorado | CDOT has a procedural directive that outlines roles and responsibilities for folks involved in outdoor advertising. |
| Connecticut | We have an Outdoor Advertising manual that contains all pertinent Federal and State laws, regulations, and procedures. |
| Delaware | |
| District of Columbia | Current regulations and legislation create and support these procedures. |
| Florida | Motorist Information and Highway Advertising: Regulation Procedure Manual. |
| Georgia | We have a permitting process by which applicants must submit an application for a standard permit or a MMS add-on permit for signs that would meet the requirements for regulation along the controlled routes in our state. Proposed signs that meet our code and regulations are issued a permit. We also do a yearly inventory of controlled routes to find illegal and/or unauthorized signs. We then research those signs to find owners and address the signs. |
| Hawaii | N/A |
| Idaho | The Right of Way Section has developed an Outdoor Advertising Guidebook which we use to define and describe procedures. |
| Illinois | The Department provides sign control measures based upon the rules noted in Q5: The State Highway Advertising Control Act of 1971 (225 ILCS 440) and the enabling rules, Illinois Administrative Code Title 92. |
| Indiana | See the Outdoor Advertising Control Manual. |
| Iowa | Not if you mean PPMs (policies and procedures or a manual): We rely directly on Statutory Code and Administrative Code. |
| Kansas | Developed office and field procedures for control. |
| Kentucky | KRS 177.571-177.576; KRS 177.830-177.890; 603 KAR 10:002, 10:010, 10:021. |
| Louisiana | LA Revised Statute 48:461. |
| Maine | On premise signs only or directional signs and Interstate logo. |
| Maryland | The Office of Real Estate manages the control program. |
| Massachusetts | Yes, they are contained within our regulations, 700CMR 3.00. |
| Michigan | We have a Highway Advertising Manual. |
| Minnesota | MN Administrative Code Chapter 1400. |
| Mississippi | State-Federal agreement, OAC Rule, & SOP. |
| Missouri | Missouri Department of Transportation Engineering Policy Guide. |
| Montana | |

| State | Outdoor Advertising Procedures |
|----------------|--|
| Nebraska | In accordance with our Rules/Regs: NE Revised Statute Title 410 Chapter 3 Section 002. |
| Nevada | We issue permit for off premise signs / billboards. |
| New Hampshire | NH Administrative Rules Tra 601. |
| New Jersey | N.J.A.C. 16:41C-1.1 et. Seq. |
| New Mexico | The NMDOT Outdoor Advertising Requirements (NMAC 18.21.5) serves as the procedures for control of outdoor advertising. |
| New York | NY Codes, Rules & Regulations, Highway, Title 17, Part 150. |
| North Carolina | |
| North Dakota | Permit system for commercial outdoor advertising signs; regular field inventories, augmented by on-going surveillance, to monitor for changes and to identify violation signs; owner-notifications for violations. Violation signs removed by state forces as necessary. Periodic quality-assurance inspections. |
| Ohio | OH Revised Code Chapter 5516; OH Administrative Code Chapter 5501:2-2. |
| Oklahoma | Policy & procedures are in place through the Administrative Code & branch procedures. |
| Oregon | <p>OA signs are required to have a state sign permit, issued through the Outdoor Advertising Sign Program. The program functioned as a cap-and-replace system since the 1970's, until an Oregon Supreme Court Ruling in 2006.</p> <p>The 2006 ruling had the effect of allowing additional signs to be permitted ("grandfathering") that were fully erected and maintained as outdoor advertising signs prior to May, 31, 2007; however, the program remains a cap-and-replace. Currently, "new" permits are only issued as a 'relocation' of an existing permitted sign, or when new highways, or segments of highway, are added to the State or National Highway System.</p> <p>Occasionally, the program becomes aware of an OA sign that was a legally existing sign prior to May 31, 2007 date; and, based on specific criteria explained in ORS 377.712(1), the program will issue a permit for the sign if it meets all of the other requirements of the Oregon Motorist Information Act, or "OMIA" (ORS 377.700 to 377.844 and 377.992).</p> |
| Pennsylvania | Surveillance. Highway Beautification Manual is used with the existing regulations. |
| Rhode Island | Please refer to the Rules/Regs. |
| South Carolina | SC DOT Regulations Sections 63-341 thru 63-354. |
| South Dakota | SD Beautification Operational Procedures. |
| Tennessee | <ol style="list-style-type: none"> 1. Routine route surveillance by Regional supervisors and staff 2. Notices are sent to sign owners regarding the location and infraction (illegal, abandonment, failure to build) 3. Outdoor Advertising Permitting Program |
| Texas | We have procedures in place that driven by the statutes and regulations. Some regulations have specificity to them, such as timelines or resulting actions and that drives the procedures in place. |
| Utah | Administrative Rule R933-2 Control of Outdoor Advertising. |
| Vermont | We enforce State Statute, which prohibits almost all off-premise outdoor advertising. |
| Virginia | N/A |
| Washington | The WSDOT Traffic Manual has a chapter on highway advertising control, providing procedural guidelines and technical information in order to uniformly apply the regulations. |

| State | Outdoor Advertising Procedures |
|---------------|--|
| West Virginia | Licensing and Permitting. |
| Wisconsin | WisDOT has some policies in place along with some written internal guidance. |
| Wyoming | |

Appendix E. Definition of Areas for Effective Control

| State | Definition of Areas for Effective Control |
|----------------------|--|
| Alabama | Not really sure. Mostly the cities and towns establish their zoning within their limits and areas outside are based typically on what is currently in the general vicinity. |
| Alaska | N/A |
| Arizona | In general, inside and outside incorporated areas. |
| Arkansas | Outside municipalities and inside municipalities with no zoning-signs must be within 600 feet of commercial/industrial activity. The area cannot be predominantly residential. Inside municipalities with zoning-property must be zoned either Commercial or Industrial and meet local ordinances. |
| California | State obtains information from city/county local government planning departments which determine boundaries of urban and rural designations. |
| Colorado | Inside and outside of incorporated areas. |
| Connecticut | The entire State is considered to be the area for the effective control of signs. |
| Delaware | We utilize information provided by our county governments (typically their parcel identification websites) or Census bureau information. |
| District of Columbia | We are a fully built out urban area functioning, for the purpose of the OAC and other federal funding programs, as a city and a state. It is thus very challenging to determine “effective” control within this environment. |
| Florida | The local government provides information regarding whether or not the proposed sign location is inside or outside of an incorporated area. The department relies on an internal database to determine if a location is inside or outside of the urban boundaries. The information in this database is provided by the Federal Government. |
| Georgia | We get the adjusted Urban Area Boundaries from our Office of Transportation Data, and that is what we use to determine Urban areas. Our internal GIS map shows municipality boundaries from both the Office of Transportation Data and ESRI. In the few situations where it is not clear whether a location is in or outside of a municipality we contact the municipality to make sure. |
| Hawaii | N/A |
| Idaho | Urban Areas. Any geographical area within the city limits of any incorporated city having a population of five thousand (5,000) or more inhabitants. Population numbers referred to in this Subsection shall be determined by the latest United States Census. |
| Illinois | Advertising signs greater than 660’ inside urban areas are not controlled by the Department. Outdoor advertising signs located within 660’ of designated urban areas are controlled through size, lighting and spacing standards (see Section 522.200 of Rules). Signs outside of urban areas are controlled if they are visible and erected with the intent of being read from the main-traveled way of the controlled route. |
| Indiana | Please see the Outdoor Advertising Control Manual at https://secure.in.gov/indot/2727.htm ; Page 24. |
| Iowa | Inside and outside incorporated areas. |
| Kansas | Inside and outside of incorporated cities and towns. |
| Kentucky | KRS 177.571-177.576 KRS 177.830-177.890 603 KAR 10:002, 10:010, 10:021 |
| Louisiana | By state and local city/parish zoning officials. |

| State | Definition of Areas for Effective Control |
|----------------|---|
| Maine | <p>Non-electronic, on premises signs that are located inside urban boundaries are under the jurisdiction of the cities. Electronic, on-premises signs that are located inside urban boundaries are under the jurisdiction of the state...unless the city enacts an ordinance that terminates the state's jurisdiction.</p> <p>With respect to electronic signs, if a non-urban town enacts an ordinance with sign rules that are less restrictive than state law...the states jurisdiction ends and the town will enforce the ordinance.</p> <p>All off-premises signs are under the jurisdiction of the state. Under specific conditions described within M.R.S.A 23, §1914, On-premises signs that qualify may be allowed to be installed within the right of way through a licensing process conducted by Maine DOT.</p> |
| Maryland | Maps |
| Massachusetts | We do not distinguish between these. |
| Michigan | The "adjacent area" is defined in the HAA (252.302(b)). This includes in urbanized areas, 3,000 feet perpendicularly then then along a line parallel to the right of way line, or outside or urbanized areas, extending perpendicularly to the limit where a sign is visible. |
| Minnesota | MnDOT has mile markers along the highways. MnDOT has reference markers (miles markers) that gives the mile to the thousandths and on this tally is the municipal borders. Also where the city identification sign is placed on the highway indicates where the city has jurisdictions. I don't have urban boundaries. |
| Mississippi | Incorporated Limits of City or Town. |
| Missouri | Urban areas are reviewed by MoDOT's Transportation Planning Division based on Census information to create urban area boundaries throughout the state. |
| Montana | Montana Codes Annotated (MCA) 75-15-101 Administrative Rules of MT (ARM) 18.6.201 |
| Nebraska | <p>002.01D CONTROLLED AREA: Controlled Area shall mean that area that is:</p> <p>002.01D1 Outside the urban areas as defined by the Nebraska Department of Roads and visible from the main-traveled way of the Highway Beautification Control System (HBCS), or</p> <p>002.01D2 Within the approved urban areas as defined by the Nebraska Department of Roads and within six hundred and sixty feet of the right of way of the HBCS</p> |
| Nevada | By our statutes and codes. |
| New Hampshire | Zoning and population (see attached). |
| New Jersey | No distinctions. |
| New Mexico | Pursuant to: N.M. Highway Beautification Act (NMSA 1978, §§ 67-12-1 to 67-12-15); NMDOT Outdoor Advertising Requirements (NMAC 18.21.5) |
| New York | Use the FHWA NHS map showing 2010 Urbanized Area Map. |
| North Carolina | There are many factors, but our main goal to control outdoor advertising comes from the permit itself on routes that we regulate, and all the rules and regulation that go with that Permit. |
| North Dakota | The boundaries used to make this determination are corporate city limits. |
| Ohio | Provided a screenshot (based on the Ohio Revised Code 5516). |
| Oklahoma | By the city limits. |

| State | Definition of Areas for Effective Control |
|----------------|---|
| Oregon | For the purposes of the Outdoor Advertising Sign Program in Oregon, under ORS 377.715 any sign that is visible to the traveling public from any state highway (includes all state highways and all portions of the National Highway System) must comply with the Oregon Motorist Information Act (ORS 377.700 to 377.844 and 377.992). The Oregon Motorist Information Act encompasses the requirements in Oregon's Federal-State Agreement with Federal Highways. |
| Pennsylvania | National Highway System, Interstates, and Federal Aid Primary roads. |
| Rhode Island | Please refer to Rules/Regs. |
| South Carolina | "Control Area," means that area within 660 feet of the nearest edge of the right-of-way of Interstate or Federal-aid primary highways and visible from the main-traveled way of the Interstate or Federal-aid primary highways. The distance is measured from the outer edge of the right-of way on a line which is perpendicular to the edge of the pavement at the points in question. |
| South Dakota | Some information is available in the State Statute 31-29-63: "No outdoor advertising may be erected within six hundred sixty feet of the nearest edge of the right-of-way and visible from the main-traveled way or beyond six hundred sixty feet of the nearest edge of the right of way visible from the main-traveled way, located outside an urban area and erected with the purpose of its message being read from the main-traveled way of the Interstate or primary systems...". |
| Tennessee | We follow local Government boundaries. |
| Texas | We determine "urban" boundaries by the incorporated limits of a city. If the city or town is not incorporated, we do not consider the city/town as urban. |
| Utah | UCA 72-7-502(32) "Urbanized county" means a county with a population of at least 125,000 persons. State law (UCA 72-7-502(20)) defines the Outdoor Advertising Control Corridor as meaning "a strip of land 660 feet wide, measured perpendicular from the edge of a controlled highway right-of- way." Outside of an urbanized county the federal standard extends to the point of visibility. |
| Vermont | N/A |
| Virginia | We use GIS to determine boundaries. |
| Washington | Off premise advertising signs are permitted within commercial and industrial areas adjacent to Interstate and primary highways. Commercial and industrial areas are defined in RCW 42.42.020. |
| West Virginia | We are mandated to control size, spacing and lighting IAW the Federal Agreement. |
| Wisconsin | I believe the boundaries of urbanized and rural areas are determined by the WisDOT planning section. http://wisconsin.dot.gov/Pages/projects/data-plan/plan-res/function.aspx . |
| Wyoming | By city and town limits and zoning criteria. |

Addendum to Appendix E. Definition of Areas for Effective Control

| State | Definition of Areas for Effective Control |
|-------------|---|
| Alabama | All applications are initiated at the District Level, where each District is responsible for 1 to 2 counties. Each District is responsible to maintaining the current zoning information for their Districts by contacting the local municipalities to verify their zoning, along with any special laws that the local municipalities may have that may be stricter than the State/Federal Law to ensure conformance. At this time, there is no standard or central database for this information as the Districts all collect and store this information differently. |
| Arizona | In our state we only regulate based on inside or outside of incorporated areas. We determine the incorporated area based on whether the location is within an incorporated town or city using assessor maps to determine the boundaries of each city down or unincorporated area. If the area is only county or unincorporated city or town (we have some named towns/cities, but they are still under county/unincorporated status), these areas are not incorporated and the rules regarding how to regulate the location by that status would apply. We do not regulate based on urban and rural labels. If we were to regulate based on urban and rural we would likely follow the Census data to determine the boundaries for urban and rural areas. We used Census data in the past for determining the regulations for our Motorist Service Sign “logo sign” program; our laws have since changed and the logo signs are authorized everywhere and no longer subject to urban and rural guidelines. However, the Census data was the guideline for the urban/rural boundaries at the time. |
| Arkansas | Arkansas uses the city boundaries to determine if a sign is inside an incorporated area or not. This information is provided to us by the Secretary of State’s office. “Urban areas” are considered the same, while areas outside actual incorporated cities are considered “rural areas”. |
| Colorado | CDOT relies on State and local officials to determine if a location is inside or outside of urban boundaries. Urban boundaries are determined pursuant to 23. U.S.C. 101 (33) & (34). CDOT relies on the local government to determine if a location is inside or outside of an incorporate area. |
| Connecticut | Our answer to question 8 remains unchanged. The entire State of CT is incorporated, and signs are regulated the same whether or not they fall inside or outside of urban boundaries. |
| Idaho | Idaho Outdoor Advertising Rules state that urban areas are defined as “Any geographical area within the city limits of any incorporated city having a population of five thousand (5,000) or more inhabitants.” The population numbers referred to are determined by the latest United States Census. We rely on the city or municipality to inform us as to whether or not the sign location is within the city limits. |
| Illinois | Our answer to question 8 is similar to FDOT’s answer. The information for the incorporated boundaries and urban area limits are supplied by the local public agencies and the Federal Government Census statistics. IDOT’s Office of Planning & Programing maintains a GIS database that includes the municipal boundaries and urban area limits and the Outdoor Advertising Section has access to the GIS database and ties that information into our OA database and maps. |
| Indiana | The local government provides information regarding whether or not the proposed sign location is inside or outside of an incorporated area. The department relies on an internal database to determine if a location is inside or outside of the urban boundaries. |

| State | Definition of Areas for Effective Control |
|----------|--|
| | <p>Since we do not make any decisions based on urban boundaries, we have no need to determine them. Our Federal/State Agreement does not require us to pay any attention to urban boundaries. So, I can answer half of your question. The incorporated areas are determined by information obtained by city officials, and double-checked by maps which the State keeps on file.</p> |
| Iowa | <p>The CFR does require differentiating standards based on urban boundaries but some States just used the city limits instead of urban boundaries in their FSAs back in the early 70s. We are one of those states. This puts us in a position of being more liberal than what CFR allows in some respects but more strict in other respects. It perhaps balances out. Example of being more liberal; We have a small town called West Branch that is not even close to being called “urban” with its population of 2300 in a rural area. Yet, we have seven big billboards visible to an Interstate there, placed just beyond the 660ft line. If we were a state that only exempted areas within the urban boundaries, this area wouldn’t have been cluttered with signs. Example of being more strict; Areas around the major city of Des Moines fall within the Federal-designated Urban area yet these are not exempt areas for us if they don’t fall within the city limits. In fact, one sign company made a big (erroneous) assumption and placed two big monopoles near Ankeny (a suburb) just beyond the 660ft line from I-35 within the urban boundary. We had to give them the unfortunate news that these signs had to come down. After a battle, the city of Ankeny ended up annexing one of the signs into city limits (saving it). The other sign had to be converted to an on-premise sign and used only for on-premise purposes.</p> |
| Kansas | <p>On each of our sign applications the local government must sign off on the location of the sign and the correct zoning, if applicable. In this they identify if the sign location is located within their boundaries.</p> |
| Kentucky | <p>Non-electronic, on premises signs that are located inside urban boundaries are under the jurisdiction of the cities.</p> <p>Electronic, on-premises signs that are located inside urban boundaries are under the jurisdiction of the state...unless the city enacts an ordinance that terminates the state’s jurisdiction.</p> |
| Maine | <p>With respect to electronic signs, if a non-urban town enacts an ordinance with sign rules that are less restrictive than state law...the states jurisdiction ends and the town will enforce the ordinance.</p> <p>All off-premises signs are under the jurisdiction of the state.</p> |
| Maryland | <p>Under specific conditions described within M.R.S.A 23, §1914, On-premises signs that qualify may be allowed to be installed within the right of way through a licensing process conducted by MaineDOT.</p> |
| Maryland | <p>Federal/State maps</p> |
| Michigan | <p>I go by the attached list which shows incorporated and unincorporated. The boundaries are verified through google maps, as well as whether the township is a charter or civil township.</p> |

| State | Definition of Areas for Effective Control |
|----------------|---|
| Mississippi | The FDOT response is indicative of how MDOT determines urban and incorporated boundaries. MDOT also makes direct contact with City and/or County officials to ascertain the current status and not just rely on latest publications that may not be current. |
| Missouri | The Census Bureau defines the urban boundaries, and then states are given the option of adjusting or “smoothing” the boundaries based on transportation needs. At the last Census, MoDOT chose to combine the 2010 Census Bureau urbanized boundaries with our existing urban boundaries statewide, with the exception of the St. Louis District. We also chose to define our urban clusters as a population of 5,000 people and greater. Incorporated boundaries are verified through the incorporated municipality. |
| Montana | Government Maps |
| Nebraska | Unfortunately, I’m still a bit confused by this. I’m not familiar with the terms ‘urban boundaries’ and ‘incorporated boundaries’. When determining Urban Areas (Section 002.01GG in our Rules/Regs) we base that on populations within Incorporated City Limits; an Urban Area has a population of 5,000 or more. If a proposed billboard is within the Urban Area of a city with population of 5,000 or more, we do not have to regulate any signs located more than 660’ beyond any Highway Beautification Control Route. |
| Nevada | Section NAC 410.340 Sign construction: Minimum spacing requirements. Is the section of our NAC’s that address and regulate the sign spacing. And I’m not sure who determines urban boundaries and incorporated boundaries. That may be handled by the County or City Governments. |
| New Hampshire | Our Urban compact areas are determined by population size. |
| New Mexico | NMDOT determines the incorporated boundaries in New Mexico pursuant to verification by local governmental jurisdictions/entities. NMDOT verifies with the corresponding local governmental jurisdiction/entity whether a proposed sign structure to be located in such local jurisdiction is located inside or outside of an incorporated area. Regarding urban boundaries, NMDOT relies upon verification by local governmental jurisdictions/entities and upon latest federal census information. |
| New York | Along Interstates: current commercial and industrial zones within the boundaries of incorporated municipalities, as those boundaries existed on September 21, 1959; and all other commercial and industrial zones established as of September 21, 1959 outside of such municipalities; As for determining urban boundaries—NY uses the FHWA’s 2010 Census Map showing urbanized areas (https://hepgis.fhwa.dot.gov/fhwagis/#) |
| North Carolina | This new question is unclear to us here as well, because I would like to know what your definition Of Urban and incorporated is. North Carolina doesn’t appear to have a dissimilarity between the two. So far I have not been able to even find the word Urban in our Fed/State Agreement thought incorporated is in there 3 or 4 times. The corporate boundaries between Villages, towns, cities and the rural or county boundaries are what we use. |
| North Dakota | FDOT’s response to this question is essentially consistent with NDDOT’s own process. |

| State | Definition of Areas for Effective Control |
|----------------|---|
| Ohio | <p>In Ohio, we determine Urban Boundaries using Census data that is then used as an overlay on ODOT's TIMS system (available at http://gis.dot.state.oh.us/tims; https://goo.gl/8AAY7i).</p> <p>To determine incorporated areas, we refer to the online resources of the municipality, or other maps generally available online.</p> |
| Oklahoma | <p>We confirm the city boundaries from the local municipal governments. Some of the larger cities have very reliable on-line city boundary maps that we also utilize as well.</p> |
| Oregon | <p>In Oregon, Urban Growth Boundaries are established in Oregon Revised Statute Chapter 215. The boundaries are maintained by cities, counties and regional governments, to separate, and identify, urban and urbanizable land from rural land. By intergovernmental agreements, the boundaries and amendments to the boundaries are adopted by the city and the county, or counties, in which the boundary is located, except for in the Portland Metro Area, which is established under Oregon Revised Statute Chapter 268. (Information is captured in Oregon Administrative Rule 660-015-0000(14))</p> <p>Incorporated/Unincorporated communities within Oregon are subject to the requirements laid out in Oregon Revised Statute 221, including the need for the authority to incorporate, petition to incorporate, and the use of annexation in relation to incorporation.</p> |
| Pennsylvania | <p>We go by population. If the population is over 5,000 it is considered urban. The boundaries would be the boundaries of the city, I guess.</p> <p>I really don't know anything more.</p> |
| Rhode Island | <p>All outdoor advertising under State of Rhode Island jurisdiction is regulated in the same manner, whether urban, suburban, or rural. The advertising is subject to each individual City or Town zoning and ordinances.</p> |
| South Carolina | <p>Incorporated areas within the state are determined by the municipality. Anything outside the incorporated would be considered urban/unincorporated.</p> |
| South Dakota | <p>Urban and rural areas are explicitly defined by the Census Bureau according to specific population, density and related criteria. SDDOT uses the census defined urban boundary and coordinates with the local planning stakeholders to adjust the irregularities in the boundary to be more consistent with the transportation needs. After these urban boundaries have been determined by local stakeholder and the SDDOT, the final approving authority is the Federal Highway Administration.</p> |
| Texas | <p>Incorporated municipal boundaries are determined by municipal annexation.</p> <p>We do not address urban areas at all in our regulations of the signs. The signs are either inside the incorporated city limits or they are not and based on that distinction and the signs location we apply the applicable regulations.</p> |
| Utah | <p>Our response to Question 8 was: UCA 72-7-502(32) "Urbanized county" means a county with a population of at least 125,000 persons. State law (UCA 72-7-502(20)) defines the Outdoor Advertising Control Corridor as meaning "a strip of land 660 feet wide, measured perpendicular from the edge of a controlled highway right-of-way." Outside of an urbanized county the federal standard extends to the point of visibility.</p> <p>In addition, we would leverage GIS layers to help make such a determination. If this is not responsive to your current question then I may need some help in better understanding what you are after.</p> |

| State | Definition of Areas for Effective Control |
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| Washington | Our state laws and regulations regulate signs based on whether or not the sign is located inside or outside an incorporated area. We use the city's described boundary lines. |
| West Virginia | Urban areas area defined by populations over 5000 as defined by our code. These are additional identified by maps provided by Federal Highways. And spacing along FAP/NHS routes are spaced them same, outside and inside city limits. |
| Wyoming | We go strictly by the city limits. |

Appendix F. State Laws and Regulations Defining Commercial and Industrial Areas

| State | Laws and Regulations Defining a Commercial/Industrial Area |
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| Alabama | Code of Alabama, 23-1-271 (Definitions) & Alabama Administrative Code 450-10-1-.02 (Definitions). |
| Arizona | We have laws stating what an industrial or commercial area is not. It's in the attached Statute. |
| Arkansas | The area 600 feet in either direction from a business activity, to a depth 660 feet deep, and does not contain more residences than businesses, or an area zoned commercial or industrial. |
| California | Reference California Code of Regulations, Section 2401 and Business and Professions Code, Section 5205. |
| Connecticut | Yes, we define a commercial/industrial area in our Regulations as an area zoned for industrial or commercial use under local ordinance or zoning regulation and which upon application is determined by the commissioner of transportation to be in actual use as an industrial or commercial area. If the area is unzoned, it is defined as those areas within six hundred and sixty feet of the edge of the right-of-way which are occupied by one or more industrial or commercial activities, other than outdoor advertising signs, and the land along the highway for a distance of five hundred feet immediately adjacent to the activities. |
| Delaware | Zoned commercial or industrial areas means those areas which are zoned for business, industry, commerce or trade pursuant to a state or local zoning ordinance or regulation, except that those areas beyond 660 feet outside urban areas shall not be recognized as commercial, industrial, unzoned commercial or unzoned industrial in the application of this chapter. |
| District of Columbia | Through our zoning code. |
| Florida | F.S. 479.01 & 479.024 |
| Georgia | Yes, we have a code and a regulation that defines zoned commercial and industrial areas- OCGA 32-6-71(29) and GDOT Rule 672-6-.01(aa), a code and regulation that defines unzoned commercial and industrial areas- OCGA 32-6-71(25) and GDOT Rule 672-6-.01(y), and a "Primary Use" definition stating that the zoning of a property must be consistent with its use for the purposes of outdoor advertising- GDOT Rule 672-6-.01(t). |
| Hawaii | Zoning, Land Use Planning. |
| Idaho | Commercial or Industrial Zones. The provisions of Section 40-1911, Idaho Code, shall not apply to those segments of the Interstate and primary system of highways which traverse and abut on commercial, business, or industrial zones within the boundaries of incorporated municipalities, wherein the use of real property adjacent to and abutting on the Interstate and primary system of highways is subject to municipal or county regulation or control, or which traverse and abut on other areas where the land use is clearly established by State law or county zoning regulation, as industrial, business, or commercial, or which are located within areas adjacent to the Interstate and primary system of highways which are in unzoned commercial or industrial areas as determined by the Department from actual land uses; provided, however, that the Department shall determine the size, lighting, and spacing of signs in such zoned and unzoned industrial, business, or commercial areas. More details are presented in State Statute 40-1912. |

| State | Laws and Regulations Defining a Commercial/Industrial Area |
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| Illinois | Section 522.20 of the enclosed rules under definitions for “Business Area,” “Commercial and industrial activities” and “Unzoned commercial and industrial area.” http://www.ilga.gov/commission/jcar/admincode/092/092005220A00200R.html . |
| Indiana | Please see the Outdoor Advertising Control Manual at https://secure.in.gov/indot/2727.htm Page 30 |
| Iowa | If you mean the unzoned commercial or industrial areas, that definition is found in Iowa Code 306C.10(21). It means those areas not zoned by state or local law, regulation, or ordinance, which are occupied by one or more commercial or industrial activities, and the land along the primary highways for a distance of seven hundred fifty feet immediately adjacent to the activities. All measurements shall be from the outer edge of the regularly used buildings, parking lots, storage, or processing areas of the activities and shall be parallel to the edge of pavement of the highway. Measurements shall not be from the property line of the activities unless that property line coincides with the limits of the activities. Unzoned commercial or industrial areas shall not include land on the opposite side of the highway from the commercial or industrial activities. “Commercial or industrial activities” is defined in Iowa Code 306C.10(4) and means those activities generally recognized as commercial or industrial in “this” state, except for (long list of things not accepted). We determine “generally recognized” by conducting a survey of zoned jurisdictions, presenting the particular case at hand in a hypothetical situation to them. If the majority say “yes it’s commercial in our city/county” then we can accept it. |
| Kansas | KSA 68-2232(w) see attached statutes. |
| Kentucky | KRS 177.571-177.576 KRS 177.830-177.890 603 KAR 10:002, 10:010, 10:021 |
| Louisiana | Area zoned for business, industry, commerce or trade pursuant to a state or local zoning ordinance or regulation. |
| Massachusetts | M.G.L. Ch. 93 |
| Michigan | Section 252.302(e) defines a Business area. Specifies the zoning of the property (commercial, industrial, manufacturing, service or similar classifications, and whether it is within 1 mile or beyond 1 mile of an incorporated municipality. If beyond 1 mile, the location needs to be within 800 feet of an active commercial or industrial purpose on the same side of the highway. |
| Minnesota | State Statute 173.02 definitions subd 148810.1000 UNZONED COMMERCIAL OR INDUSTRIAL AREAS. |
| Mississippi | Sections 345 and 350 of Mississippi Outdoor Advertising Regulations. |
| Missouri | Section 226.540 and 7 CSR 10-6.040. |
| Nebraska | NE Revised Statute Title 410 Chapter 3 Section 002. |
| Nevada | Statutes and Codes. |
| North Carolina | Administration Code definitions. |
| North Dakota | Defined as per HBA agreement with US Sec. of Transportation. |
| Ohio | We use local zoning classifications to determine commercial/industrial zones. We also define unzoned commercial and industrial areas in http://codes.ohio.gov/orc/5516.01v1 . |
| Oklahoma | OAC 730:35 Definitions for commercial or industrial area. |
| Oregon | ORS 377.710(2): “Commercial or industrial zone” means an area, adjacent to a state highway, that is zoned for commercial or industrial use by or under state statute or local ordinance.” |

| State | Laws and Regulations Defining a Commercial/Industrial Area |
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| Pennsylvania | An area where the use is predominantly commercial/industrial. |
| Rhode Island | Town and City zoning laws. |
| South Carolina | Commercial or industrial areas,” means: (1) those areas in a political subdivision which are not zoned on which there is located one or more permanent structures devoted to a commercial or industrial activity, a portion of which activity is located within the control area, and that area within 600 feet from the furthest edge of the area within the control area regularly used for such activity and a corresponding zone directly across a primary highway which is not a freeway primary Federal-aid highway and which has not been declared to be a scenic highway; More details are provided in SC DOT Regulations Section 63-342. |
| South Dakota | SD State Statutes SDCL 31-29. |
| Tennessee | Definitions for Commercial/Industrial areas can be found in the CFR, Title 23 – Highways; §750.703, Definitions (Code of Federal Regulations); and in Tennessee’s Rules and Regulations for the Control of Outdoor Advertising. |
| Texas | We have regulations that define the commercial/industrial area. The regulations are lengthy, in summary, there must be 2 commercial/industrial activities (CIA) adjacent to each other, that are within 800 feet of the proposed sign site and also on the same side of the road as the proposed sign site. The CIA’s must a minimum of 400 sf and some other incidental requirements to qualify as a CIA for the purposes of permitting a sign. |
| Utah | UCA 72-7-502(3) (a) "Commercial or industrial zone" means only: (i) those areas within the boundaries of cities or towns that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations; (ii) those areas within the boundaries of urbanized counties that are used or reserved for business, commerce, or trade, or zoned as a highway service zone, under enabling state legislation or comprehensive local zoning ordinances or regulations; etc. |
| Virginia | 24VAC30-120-10. Definitions "Commercial or industrial activities" means those activities generally recognized as commercial or industrial by zoning authorities in this Commonwealth, except that none of the following activities shall be considered commercial or industrial: 1. Outdoor advertising structures. 2. Agricultural, forestry, grazing, farming, and related activities including, but not limited to, wayside fresh produce stands. 3. Transient or temporary activities. 4. Activities not visible from the main-traveled way. 5. Activities more than 300 feet from the nearest edge of the right of way. 6. Activities conducted in a building principally used as a residence. 7. Railroad tracks and minor sidings. |
| Washington | Commercial and industrial areas are defined in RCW 42.42.020 (http://app.leg.wa.gov/RCW/default.aspx?cite=47.42.020). |
| West Virginia | Needs to have a business license, opened for a year before applying for permit. Posted hours, employee working at least 25 hours per week. Clearly visible from main traveled way. |
| Wisconsin | WI State Statutes 84.30(2)(b). |

| State | Laws and Regulations Defining a Commercial/Industrial Area |
|--------------|---|
| Wyoming | Commercial or Industrial Zone means those areas reserved for business, commerce, or trade pursuant to comprehensive local zoning ordinances or regulations, or enabling state legislation, including highway service areas in which the primary use of the land is reserved for commercial and roadside services other than outdoor advertising. To be accepted, any commercial or industrial zone shall be adopted in accordance with the planning and zoning provisions of W.S. 18-5-201 through W.S. 18-5-208. |

Appendix G. State Laws and Regulations on Maintenance and Continuation of Nonconforming Signs

| State | Laws and Regulations on Maintenance and Continuation of Nonconforming Signs |
|----------------------|---|
| Alabama | Only routine maintenance and change of message is allowed. No major replacement of sign supports in the structure is allowed. No addition or updating of lighting is allowed. |
| Alaska | N/A |
| Arizona | We follow the Federal guidance and visually inventory twice annually. We have been fortunate that everyone has been following the rules in place, and no one is trying to go beyond them, which in that case we would have to require removal. |
| Arkansas | Owner may do routine maintenance such as message changes, stringer replacement, adding catwalks. Owner may not add lighting to non-illuminated structures or replace more than 50% of the support poles. |
| California | California Code of Regulations, Section 2270. |
| Colorado | Reasonable and customary repair and maintenance of nonconforming signs are required; however such repair cannot exceed 50% replacement cost per year. |
| Connecticut | All signs, including nonconforming signs must be kept in good repair. Should the commissioner of transportation determine a sign is unsightly, he shall notify the permittee in writing that they must remedy the situation within 30 days of the notice. Failure to comply may result in the removal of the structure. We allow typical maintenance to ensure the safety of the traveling public. We do not allow the sign owner to alter the sign in any manner. |
| Delaware | We monitor nonconforming signs to ensure the owners do not do anything to “brace” or “reinforce” the sign. We allow them to paint, replace nuts, bolts, etc. |
| District of Columbia | Grandfathered billboards may not be moved and must be removed if they are not maintained. |
| Florida | 14-10.007 F.A.C. Reasonable repair and maintenance can be performed. Replacement of materials may not exceed 50% of the structural materials in the sign within any 24 month period. |
| Georgia | Only laws specifying the percent damage that is allowed to be repaired, nothing on maintenance schedule. By observation and annual inventory pictures we are able to watch, document, and determine if a sign has received too much damage to be reconstructed or if there has been a substantial change to a sign that is not allowed for a nonconforming sign. |
| Hawaii | N/A |
| Idaho | N/A |
| Illinois | A registered nonconforming sign can be maintained or repaired if damaged less than 60% based upon its uprights. Any modification, however, that increases the value of the sign would require that the sign be permitted based upon current control requirements. In Illinois, we have found that sign companies, based upon our current legislation and rules, may replace uprights as needed as long as they don’t replace more than 60% of the total at any given time. Therefore, our nonconforming signs have been a continual control and surveillance issue. |
| Indiana | Outdoor Advertising Control Manual: Pages 31 and 32. The sign is inventoried like any other sign until there is damage done to the sign by nature. If the sign has been damaged more than 60 percent, process for sign removal can begin. |

| State | Laws and Regulations on Maintenance and Continuation of Nonconforming Signs |
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| Iowa | <p>“Maintain” is defined in Iowa Code 306C.10(11) as “remain in a state of good repair but does not include reconstruction”. Reconstruction is defined in 306C.10(15) as “any repair to the extent of sixty percent or more of the replacement cost of the structure”.</p> <p>Reconstruction and modification are prohibited under 761 IAC 117.6(5). “Modification” is defined in 761 IAC 117.1 and includes things like adding posts, increasing the size, etc. Both actions (reconstruction or modification) cannot be accomplished without a new permit being issued, and such permits can only be issued in conforming areas. Therefore, if reconstruction or modification is determined to have happened on an existing nonconforming sign, the sign will need to be removed. In the case of modification, it’s obvious. In the case of reconstruction, it can involve some detective work, and math calculations, and sometimes a contested case hearing. NAHBA, working with FHWA, developed an easier method known as the “pole count”. If (insert percentage) of poles are broken, the sign is destroyed. Good idea; our state didn’t adopt it however.</p> |
| Kansas | KSA 68-2232(m). |
| Kentucky | 603 KAR 10:002, 10:010, 10:021. |
| Louisiana | N/A |
| Maine | If the Department has determined that a sign is nonconforming and is also located within the right of way, a letter is sent to the sign owner as a notification that the sign must be removed as soon as possible, usually within 3 to 10 days. If the nonconforming sign is located outside of the ROW, a notification letter will be sent to the sign owner from the Department stating that the owner has 30 days to bring the sign into compliance. |
| Maryland | We have no rules and regulations. |
| Massachusetts | 700 CMR 3.00 defines what is allowed under routine maintenance of nonconforming signs. For the most part, maintenance for safety and aesthetic reasons are allowed. Any modification that will prolong the useful life of the nonconforming sign is not allowed. |
| Michigan | <p>Pursuant to MCL 252.317a – the annual cost of customary maintenance and repair shall not exceed 40% of the replacement cost of a new sign using equivalent materials and equipment. If a nonconforming sign is destroyed as a result of storm, fire or casualty, the maintenance and repair shall not exceed 60% of the replacement cost of a new sign.</p> <p>During inventory the following is information collected and maintained - the size of the sign, the material of the sign, the number of posts, whether there are lights, and the size. If any of this is modified in following years, the sign owner is notified. If the sign is maintained with no improvements, no action is taken. A sign owner is required to provide the value of the sign and the costs estimates from 3 contractors for any sign that has been identified as damaged.</p> |
| Minnesota | Just the Federal guidelines. Every district probably does it differently. MnDOT has 10 districts. District 1 from Mora, to Grand Portage and Deer River to Duluth. That is the south border (Mora) to Grand Portage (the Canadian border) and from Deer River (West on USTH2) to Duluth (on the big lake). The nonconforming signs are usually in good shape and as long as they pay their bill MnDOT has no issues with it being located where it is. |
| Mississippi | Sections 1300-1306 of Mississippi Outdoor Advertising Regulations. |
| Missouri | 7 CSR 10-6.060. |
| Montana | 18.6.251 ARM. |
| Nebraska | NE Revised Statute Title 410 Chapter 3 Section 002.01M. With on-going surveillance we watch for maintenance violations. |
| Nevada | We don’t. |

| State | Laws and Regulations on Maintenance and Continuation of Nonconforming Signs |
|----------------|---|
| New Hampshire | NH Administrative Rules Tra 601.11. We do not handle the maintenance, the sign owners are responsible, if they are not maintained per our rules/regulations they are taken down. |
| New Jersey | Nonconforming signs may be maintained, but not improved. NJAC 16:41C-10 – Nonconforming signs. |
| New Mexico | Customary Maintenance of Nonconforming Signs is detailed in NMAC 18.21.5.30. |
| New York | A nonconforming sign may continue to exist as long as it is not changed. The costs of customary maintenance and repairs cannot exceed 15% of current fair market value. |
| North Carolina | These rules are taken from our Federal-State agreement. We do not have a special inventory of just nonconforming signs, only a completion of our regular yearly inventory includes both nonconforming and conforming permitted structures. At that this structures of nonconformity are inspected. The only time that a Special inventory is taken to inspect our nonconforming sign inventory, is taken at times. Before a large storm (hurricane, snow or wind storm) and after these type of storms, and then the field inspectors will apply the damage rules and regulations to determine if these structures are damaged 50% or more, which cause the permit to be revoked and the structure to be removed. |
| North Dakota | ND Administrative Rule 37-05-02-05. District personnel are to note any changes in signs existing in our state inventory, regardless of whether they are conforming or nonconforming. A legal, nonconforming sign cannot be structurally altered or moved from its authorized location; if such a change is noted, District personnel are to submit an updated inventory record. The owner of the sign would then be notified that the permit is being cancelled and that the sign will have to be removed. |
| Ohio | We allow maintenance but no major structural replacement/improvement. (B) A nonconforming advertising device, including its structure, may receive normal maintenance and repair. The following is considered normal maintenance and repair: (1) The in kind replacement of a wood or metal component with a like component. (2) The painting of supports and frames. (3) The replacement of torn or destroyed face panels with in kind panels. (4) The changing of an advertising message. (C) A nonconforming advertising device, including its structure, must remain substantially the same as it was on the effective date of state law. A nonconforming device may continue to exist with normal maintenance and repair as long as it is not discontinued or abandoned. |
| Oklahoma | OAC 730:35-5-3 Definitions for “Customary Maintenance”. |
| Oregon | Under ORS 377.745 & 377.750, a nonconforming outdoor advertising sign in existence on May 31, 2007 may continue to exceed size & spacing limitations until it is reconstructed or relocated at which time it must be made to comply. Oregon defines “maintain” in relation to an outdoor advertising sign in ORS 377.712(17) as: “Maintain” includes painting, changing messages on display surfaces, adding or removing a cutout or display surface of the same dimensions, replacing lights or the catwalk, making routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and allowing the sign to exist.” Additionally, “Reconstruct” and “Relocate” are also defined under ORS 377.712(23) and (24): “Reconstruct” means replacing a sign totally or partially destroyed, changing its overall height or performing any work, except maintenance work, that alters or changes a sign that lawfully exists under ORS 377.700 to 377.844.” “Relocate” includes, but is not limited to removing a sign from one site and erecting a new sign upon another site as a substitute therefor.” Nonconforming signs may not be reconstructed or relocated unless the reconstruction/relocation makes them conforming. |

| State | Laws and Regulations on Maintenance and Continuation of Nonconforming Signs |
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| Pennsylvania | Each permit has photos so that if we suspect a sign has been altered, we can compare the old photos to the current ones. Maintenance includes painting or replacement of damaged parts of a sign with like materials, the same or smaller size. |
| Rhode Island | RI Outdoor Advertising Rules and Regulations, Section 8. |
| South Carolina | SC OA Regulations, Section 63-350C. |
| South Dakota | SD State Statutes SDCL 31-29. |
| Tennessee | TCA (TN Code Annotated) Chapter 54. In regards to nonconforming signs, the State of TN only allows customary maintenance. This allows for the replacement of the actual sign face, with only like materials and likewise with the poles (but only maintenance of up to 50% is allowed for poles). Once a nonconforming structure is removed, it cannot be rebuilt. However, if a nonconforming device is damaged, it must be rebuilt or repaired within 12 months after the date of which the said device was destroyed and/or damaged. |
| Texas | We have regulations that stipulate that only non-substantial changes can be made to a nonconforming sign. Substantial is generally defined as the sign structure must remain in the same construction and configuration and of the same material for the life of the sign. Customary maintenance is all that is allowed and that is generally defined as changing the advertising face, nuts, bolts, etc. They are allowed to change half the number of poles per year and they must be of the same material. They are also allowed to add a catwalk to the sign structure. |
| Utah | UCA 72-7-509(1); UCA 72-7-510(2)(b); UCA 72-7-502(13). R933-2-2(11) (11) "Customary Maintenance" means any change, replacement, manipulation, or other repair to the sign structure that does not: (a) alter or change the overall height, location, material, sign face orientation or sign face size (except for temporary embellishments); (b) add lighting relative to what is currently listed on the valid permit or change the sign face to a CEVMS, or (c) require structural engineering review. |
| Vermont | N/A |
| Virginia | Maintenance and repairs cannot exceed 50% of the cost of a new sign within a 12 month period. |
| Washington | WAC 468-66-200. A nonconforming sign may not be maintained if the sign face size is increased more than fifteen percent over the original sign face size or if there are substantial changes to the sign structure's original construction materials, such as upgrades from wooden to steel signposts. A nonconforming sign cannot be abandoned, destroyed, or discontinued or it loses its nonconforming status. A nonconforming sign can only be moved to a conforming site. Destroyed nonconforming signs may only be re-erected, and only in kind, if destroyed due to vandalism or other criminal or tortious acts. |
| West Virginia | CSR 157 Series 6 Section 7.15.b. No improvements, other than painting of the structure may occur which will lengthen the life of the device. |

| State | Laws and Regulations on Maintenance and Continuation of Nonconforming Signs |
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| Wisconsin | <p>WI Administrative Code Chapter Trans 201.10(2)(c) through (f). Regional coordinators monitor any maintenance noted to be performed in excess of the law. If a violation has occurred, a removal order is issued. The sign must remain substantially the same as it was on the effective date of the state law, and may not be enlarged. Reasonable repair and maintenance of the sign, including a change of advertising message, is not a change which would terminate nonconforming rights. Customary maintenance ceases and a substantial change occurs if repairs or maintenance, excluding message changes, on a sign exceeds 50% of the replacement costs of the sign. Trans 201.10(e) The sign may continue as long as it is not destroyed, abandoned or discontinued. A sign shall be considered destroyed if it is damaged in excess of 50% of its replacement cost.</p> |
| Wyoming | <p>Nonconforming signs advertising messages may be changed and structures may be repaired, but they shall not be improved in a manner that increases the structure's value, such as adding lighting, revising the structure from wood to steel posts, increasing the size of the original sign face by attaching additional signs, or increasing the size of the existing sign face. Nonconforming signs must be kept in good shape but cannot be improved upon from the original structure such as adding lights putting in steel posts in place of wood. The structure cannot be enlarged from the original size. Just basic maintenance.</p> |

Appendix H. State Procedures Adopted for Timely Removal of Illegal Signs

| State | Procedures Adopted for Timely Removal of Illegal Signs |
|----------------------|---|
| Alaska | As budget and resources permit, largely discovered by complaint. |
| Arizona | We haven't gotten to the point where we need to remove them. We've been very lucky so far that if there is an illegal sign, the sign owner has removed it because we told them to. |
| California | Perform 30 day field follow up and implementation of the Office of Administrative Hearings appeals process. |
| Colorado | Goes through a process that may include court hearings. |
| Connecticut | A written notice is sent via certified mail to the individual in violation. If the individual corrects the violation or removes the sign by the fifteenth day following the receipt of the notice, no penalty is imposed. If the violation is not corrected, the fine shall be levied. |
| Delaware | After issuing notices, agents perform follow up inspections after time expires. If necessary, all case information will be sent to Deputy AG to start legal proceedings. |
| District of Columbia | On a case by case basis. It has not until recently been a major issue. |
| Florida | We utilize a tracking system called D.O.V.E. This tracks the signs from original notice to compliance/removal. |
| Georgia | We go on a priority basis. |
| Hawaii | Highway Inspectors, Notification, Written and Face to Face (when able). |
| Illinois | Signs erected or modified illegally (without permit) are subject to 30-day illegal sign notices, which require that the signs be either removed or brought into compliance (through permit process, if possible) within a 30-day period. Signs not brought into compliance will be removed by the Department at the owner's expense. Illegal sign owners are not allowed to permit other signs. |
| Indiana | Letters and Legal hearings. |
| Iowa | Once discovered, it's entered into a database and then the agent assigned to "violations" ensures that removal eventually takes place. This is a performance measure for that employee. |
| Kansas | Sign owner or land owner removal or the state will have the sign removed at the expense of the sign owner. |
| Maine | By use of a 3, 10 or 30 day notification of removal letters. |
| Maryland | Computer program tracks violations. |
| Massachusetts | Notice is given as outlined in our CMR. If they do not remove sign, the matter is referred to the Office of the Attorney General for legal action. |
| Michigan | The illegal signs are tracked in a spreadsheet, from the time the violation is sent. If MDOT has not been notified by the sign owner that the sign has been removed, MDOT verifies removal after 60 days. If the sign still exists, MDOT proceeds to the administrative hearing process to obtain an order for removal. |
| Minnesota | MnDOT issues a Notice of Violation and on that form is the penalty and the time allowed for conformity. The letter is sent certified mail. When it is received by the violator, they sign and date it and then the post office mails the card back to MnDOT so I can start counting the 60 days. |
| Mississippi | See section 1500 of Mississippi Outdoor Advertising Regulations. MDOT Legal Division Special Assistant Attorney General assists the Maintenance Division when necessary. |

| State | Procedures Adopted for Timely Removal of Illegal Signs |
|----------------|--|
| Missouri | 7 CSR 10-6.080. |
| New Hampshire | We give notice and if not taken down we take them down ourselves. |
| New Jersey | Fines and penalties; threat of removal or collection for fines. |
| New Mexico | NMDOT has a violation process/due process that is followed. Once the process for due process has been met, if the violation has not been corrected or removed, NMDOT can cause removal and bill the sign owner for the costs incurred. Or NMDOT can file suit in court for correction or removal. |
| North Dakota | Spring inventory is used to identify new violation signs; violation notices are then sent to these signs owners. Later, in the Fall, Districts are sent a list of any unresolved violations identified in the previous Spring inventory, which includes notes on any contacts central office may have had with the sign owners regarding the violation. Districts are then to conduct their Fall/Winter inventories, checking to ensure that violation signs have been removed. If a sign is still in place (unresolved violation), Districts are instructed to remove the sign, followed by submitting an updated inventory record of the sign. |
| Ohio | We have a series of letters, giving owners time to voluntarily remove the illegal sign. If they fail to comply, we can issue fines or turn it over to the attorney general for nuisance abatement. |
| Oklahoma | 90-day letter, 30-day letter then the file is forwarded to ODOT Legal Division for handling. |
| Oregon | A majority of illegal signs are removed by the sign owners or property owners where the signs are located after the issuance of a Notice of Violation, and generally prior to the accrual of civil penalties (within 30 days). In cases where the signs are very large, or on a permanent structure, where the signs exist on private property, the timing for having them removed can range from 6 months to 15 years depending on how litigious the proceedings become. If the sign owner can make more income on a signs, than the legal proceedings cost them, they feel less incentive to remove the sign; although civil penalties can be very substantial, they're not always a deterrent for every sign owner. |
| Pennsylvania | This is an ongoing challenge. If the Department cannot remove the sign (we usually won't touch a sign with electricity) we can hire a subcontractor to remove it. The Districts are afraid of removing a big (expensive) sign because they may not recoup the costs. |
| South Carolina | An outdoor advertising sign which violates the provisions of this article is illegal and the Department of Transportation shall give thirty days' notice by certified or registered mail to the owner of the advertising sign and to the owner of the property on which the sign is located for its removal. However, a sign lawfully in existence along the Interstate system or the federal aid primary system on November 3, 1971, or which was lawfully erected after that date, which is not in conformity with the provisions contained in this article, is not required to be removed until just compensation has been paid for it. Except as provided in Section 57 25 160, no sign otherwise required to be removed under this article for which just compensation is authorized to be paid by the department is required to be removed if the federal share of at least seventy five percent of the just compensation to be paid upon its removal is not available for the payment. Nothing in this section prevents the removal of nonconforming signs for which no federal share is payable in those instances where no compensation has to be paid. |

| State | Procedures Adopted for Timely Removal of Illegal Signs |
|---------------|--|
| Tennessee | The timely removal of illegal signs is coordinated with other Departmental resources that have the available equipment to assist with these matters. |
| Texas | We have no assurances of timely removal, we order removal and after 45 days of no removal of the sign, we forward the case file to the Office of the Attorney General (OAG) for injunctive relief. Once the file is at the OAG they can impose the fines. |
| Utah | First violation receives a Notice of Violation which gives the party 30 days to remove the sign, after that Notice of Agency Action allows 10 days to remove, after that, begin accruing fines. |
| Vermont | If the sign is within the highway right of way, we remove it ourselves. If it is outside of the ROW, we send a certified letter to the owner giving them 30 days, and if it is not removed, we remove it and send them a bill. |
| Virginia | Violation letters, civil penalties and removal by state forces. |
| Washington | First request is a certified letter, then an "Order to Remove" is written which brings in the State Attorney General's Office. It's not often that we resort to the latter, and when we do, we have 100% compliance. |
| West Virginia | Local inspector will follow up with continued photographs. |
| Wisconsin | The sign owner is given 30 days to appeal the removal order and 60 days to remove the sign. If there is no appeal and the sign is still standing after 60 days, WisDOT will have the sign removed and store it for 30 days. If the sign owner wants the sign parts, they must pay the costs associated with the removal. |
| Wyoming | A certified letter is sent to the owner of the illegal structure requiring its removal within 30 days or they can request a hearing within 15 days of the date the letter is sent. If no action is taken WYDOT removes the structure. |

Appendix I. State Acquisition Procedures for Advertising Signs

| State | Advertising Sign Acquisition Procedure |
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| Alabama | Though outlined in the Code of Alabama, no compensation has ever been attempted for the removal of nonconforming signs, thus no nonconforming signs have been removed from the system. |
| Alaska | AS 19.25.140-.150 Nonconforming signs are generally given 30 days' notice by certified mail to the owner of the land on which the advertising is located. If not cured, the State shall remove the sign at the expense of the owner. |
| Arizona | It is all handled through our Right of Way Group. We assist them with records and possible location where signs might be able to be moved in order to save funds rather than have to purchase the signs. |
| Arkansas | Signs are appraised and the owner is either paid outright for the structure or a reduced amount to relocate it. |
| California | Caltrans elects to relocate displays in lieu of compensation. |
| Colorado | Currently, we do not remove signs and compensate sign owners unless such removal is due to a highway project, which would go through the right of way acquisition process. |
| Connecticut | The property owner is offered compensation for the underlying fee of the land. The sign is treated as personal property, and relocation benefits are made available to the owner of the sign. |
| Delaware | This is handled by our Right of Way Section, not familiar with the process. |
| District of Columbia | It depends on the location and if the sign is on public or private property. |
| Florida | F.S. 479.24 provides the details of what the State of Florida does for compensation for signs; eminent domain. |
| Georgia | Acquisition of signs for projects or the acquisition of right-of-way are handled by our right-of-way office. |
| Hawaii | N/A |
| Idaho | Any sign without a current permit can be considered illegal and is subject to removal under the state's police power. This is accomplished by a two-phase program of postings by the district and legal action carried out by the ITD's Legal Counsel. After all attempts have failed to encourage the interested parties to remove an illegal sign, the following procedures will be initiated: District personnel will complete ITD-2311, Order to Remove Outdoor Advertising Display, and notify the District Engineer or an authorized representative as well as the ROW Section Manager. District personnel will post a copy of the order upon the illegal sign and the certificate of posting and mailing will be attested by the District Engineer or an authorized representative. District personnel will send copies by certified mail to the owner or owners of both the offending sign and the sign site's land owner. A copy of the ITD-2311 will be sent to the ROW Section. The original shall be retained in the district records as proof the procedures were followed. |
| Illinois | The Department's active registered nonconforming sign acquisition program ended years ago. Registered nonconforming sign owners will be compensated based upon the Department's Signboard and Site Valuation Manual if their sign is destroyed greater than 60% based upon the uprights. |
| Indiana | Real Estate Division coordinates these activities and determines the appropriate compensation. |

| State | Advertising Sign Acquisition Procedure |
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| Iowa | Normally this happens on a highway improvement project. First we look at relocation as an option. If that cannot be accomplished, they acquire the sign with compensation. We use the cost approach (or at least that is the default) on valuation of the billboard. |
| Kansas | If a licensed sign is impacted by a highway project our Right of Way Acquisition Team compensates the sign owner to remove or relocate the sign. |
| Kentucky | N/A |
| Louisiana | Handled by our right of way section. |
| Maine | There is no compensation for removal of nonconforming signs. They are determined on a case by case basis. |
| Maryland | We have a sign index for the acquisition of signs on highway construction projects. |
| Massachusetts | This is done through the Right of Way - Relocation Section. |
| Michigan | This is handled by our Real Estate area. I am not involved in the acquisition process. |
| Minnesota | It is in State statute 173.17 Removal of devices, time for removal; compensation. |
| Mississippi | MDOT ROW Division administers that program when necessary. |
| Missouri | Acquisition of signs for projects is handled by our right of way division. |
| Montana | Project acquisition. |
| Nebraska | When a sign is affected by, and acquired for, a highway project, the sign is appraised by our Appraisal Staff and Negotiations for the acquisition of said sign are handled by our Negotiations Staff. Our Highway Beautification Office will provide detailed information about said sign prior to the Appraisal and Negotiation (information specific to nonconforming, if it can be relocated elsewhere, etc.). Our office is then notified when the acquisition is final so the Sign Permit can be cancelled accordingly. |
| Nevada | Our acquisition section performs this function if a sign needs to be relocated due to an upcoming project. |
| New Hampshire | A sign is only removed if it is illegal and the owner does not remove it within a specified time, i.e. 30 days, or 60 days, etc. There is no compensation and in fact we will bill the owner if we incur costs for the removal. |
| New Jersey | We do not generally remove signs, but when we do, it is for illegal signs. |
| New Mexico | During eminent domain takings, NMDOT determines legal status and eligibility for acquisition of signs. If legal/eligible, a depreciated value estimate is performed for the depreciated value cost of the materials of the sign structure. Loss of income stream on the sign structure itself is not included or offered. With the amount of the depreciated value estimate, a formal offer is made to the sign owner for acquisition of the sign. In lieu of acquisition, if legal/eligible, the sign owner can choose the Relocation Assistance option to have eligible costs paid for relocation / re-erection of the sign structure to a conforming site within fifty (50) miles. |
| New York | Removal of signs and compensation only occurs now when there is a road construction project and a sign is located within the taking area and it cannot be relocated. |
| North Carolina | This is done by our Right of Way department, but my understanding is that signs are treated as personal property. |
| North Dakota | If sign needs to be removed because of a highway construction project, it falls under the jurisdiction of the Uniform Act and is therefore handled by our R/W personnel as part of a highway construction project. In my tenure, no sign has had to be purchased strictly because of noncompliance with HBA. |

| State | Advertising Sign Acquisition Procedure |
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| Ohio | ORC 163.32: Any removal of an advertising device that is ordered by a public agency pursuant to law or ordinance, or to the exercise of any power or authority possessed by the public agency, shall be deemed to constitute the taking of all right, title, and interest in the advertising device, including any leasehold interest, of the owner of the advertising device and of the right of the owner of the real property on which the advertising device is located to erect and maintain the advertising device on it. |
| Oklahoma | Our in-house Legal Division handles the removal of illegal signs through the court system. |
| Oregon | Oregon has not “acquired” permitted signs since the 70’s or 80’s as Beautification Purchases. Oregon treats outdoor advertising signs as personal property and pays relocation benefits to the sign owner, rather than acquiring the sign. |
| Pennsylvania | If the sign is legally permitted, the sign owner will be compensated if we acquire the sign for a road project-the cost is determined by appraisal. If the sign is not legally permitted, there is no compensation for removal. The sign owner is responsible for removal of illegal signs. |
| Rhode Island | N/A |
| South Carolina | Only time sign owners receive compensation for sign is when removed due to road projects. Signs are seen as personal property. |
| South Dakota | Some information is available in the State Statute 31-29-60, 31-29-72. |
| Tennessee | TN law requires we provide just compensation. This is done by providing the sign owner with moving cost. |
| Texas | In March 2016 we started to treat billboards that are in the acquisition area of a highway construction project as real property. They are appraised and then compensated for the removal of the sign. We do not pay for the removal of signs for any other reason other than if the sign structure is impacted by a highway construction project and it is located within the acquisition area. |
| Utah | Acquisitions of signs due to Eminent Domain are exercised in accordance with the provisions of Title 78B, Chapter 6, Part 5, Eminent Domain (Uniform Act). UCA 72-7-510(3)(a) Just compensation shall be paid for outdoor advertising and all property rights pertaining to the same, including the right of the landowner upon whose land the sign is located, acquired through the processes of eminent domain. (b) For the purposes of this part, just compensation shall include the consideration of damages to remaining properties, contiguous and noncontiguous, of an outdoor advertising sign company’s interest, which remaining properties, together with the properties actually condemned, constituted an economic unit. |
| Vermont | N/A |
| Virginia | Our Right of Way Division handles acquisitions. |
| Washington | If an off premise sign can be brought into compliance and issued a permit, then we go through the process. If a sign cannot be brought into compliance, it is an illegal sign and must be removed. If the sign qualifies for nonconforming status, the sign is retained under nonconforming status. WSDOT Real Estate occasionally acquires a sign when roadway construction would eliminate the structure and there is no opportunity for a replacement site. WSDOT looks at the value of the land, not the revenue stream, when a sign is acquired. |

| State | Advertising Sign Acquisition Procedure |
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| West Virginia | As far as I know we haven't purchased any nonconforming signs IAW the HBA. |
| Wisconsin | This is handled by the real estate section. Generally, the OA program determines whether the sign is legal or illegal, which determines whether the sign is appraised. Illegal signs are not compensated and therefore not appraised. Legal signs are appraised. |
| Wyoming | I do not do acquisitions. |

Appendix J. Federal OAC Program Regulatory Difficulties

| State | Regulatory Difficulties |
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| Alabama | Rural areas where there is little to tie a sign to and transient type businesses pop up and not having the legal support to decline sign. |
| Alaska | All rural areas (much of the state), particularly those not on the highway system near a major urban area. |
| Arizona | Zoning is a huge one right now. PAD and PUD (Planned Area development and Planned Urban Development) are causing issues- mixed zoning, building signs prior to anything actually being built at the development. Urban/Rural vs Incorporated/Unincorporated are also difficult. An area that is unincorporated can look very urban nowadays. |
| Arkansas | Areas that are zoned with no development. It is difficult to prove zoning for billboard purposes until years later when no development (except billboards) has occurred. It would be easier to require actual development within 600 feet of a zoned property, so that the site meets both criteria. Signs advertising businesses that lie within a “business park”, but are not located on the property of the advertised business. Cities allow these as “on-premise” signs, but they do not meet the federal definition since they are not on the business property. |
| California | Spot zoning challenges. |
| Colorado | Rural due to agritourism (seasonal) illegal signs. |
| Connecticut | The most difficult areas to regulate are those areas located in a residential zone on a state road that is not part of the National Highway System. Historically we have argued that no sign shall be erected in a residential zone, however, our authority to regulate signs on state roads not part of the National Highway System has recently been challenged. |
| Delaware | We have not noted any real difficulty in regulating the program. The largest challenge we have is occasionally a smaller political subdivision will pass a rule or ordinance allowing something not accepted by our laws. This is not too large of an issue since we will simply not issue a permit for the proposed structures. Most of the political subdivisions within the State are good about requiring some type of approval from us before they will proceed. |
| District of Columbia | It is very difficult to regulate according to the HBA in a fully built urban environment. The law is not a one size fits all and yet FHWA applies that law in that manner. |
| Florida | Zoning/Land Use issues have been the most difficult. Changes were made to our Statute in July of 2014 and those changes have significantly helped. |
| Georgia | Recently, there are areas along the Interstate that have been zoned for commercial of industrial use for a long time with little such activity where we seem to have trouble upholding a permit denial when there is an appeals hearing. |
| Hawaii | N/A |
| Idaho | Commercial or Business use of a property. |
| Illinois | Illegal sign proliferation would be the most difficult area to regulate. Trying to investigate zoning determinations to ensure that zoning changes aren’t made to solely allow outdoor advertising signs is also an ongoing difficult issue. Multi use zoning is also becoming more of a problem. |
| Indiana | Unusual local zoning designation on not strictly commercial and industrial areas is clearly defined. |

| State | Regulatory Difficulties |
|---------------|---|
| Iowa | We don't have any major problems regulating. We have the usual bumps in the road with legislators, high profile individuals with connections, scenic byways, nonconforming signs, highway projects, proposed legislation, etc., but we are able to regulate effectively as the law is currently written. |
| Kansas | Signage in rural, un-zoned areas, particularly for small businesses. |
| Kentucky | N/A |
| Louisiana | Zoning designations. |
| Maine | Maine's urban areas are the most difficult to regulate. |
| Maryland | Zoning classifications. |
| Massachusetts | Most of the issues that are presented relate to the interpretation of how spacing is measured when the measurement is close. For example – measuring by straight line vs incorporating geometry of the roadway; incorporating fixtures and extensions into the measurement vs. to sign face. |
| Michigan | *Urban NHS – why can't the locals handle the roadways under their jurisdiction? There are so many roadways designated as NHS. It is difficult to finish regulated highways, let alone regulating urban roadways. *Zoning designations (i.e., multiple use and/or Mixed Use) – a mix of commercial and residential. Do we deny? Do we evaluate based on the zoning ordinance? If it is in someone's yard, but there is a car dealership across the street, do we allow the sign? *Unzoned commercial or industrial areas (in Michigan, there is no specification for there being more than 1 commercial business within 800 feet of the sign location. This proves to be difficult because it typically is a rural area. We have fought this in court, denying an application for this reason and lost). |
| Minnesota | Removal of illegals. |
| Mississippi | They are all difficult to regulate, people do not like to be regulated, especially on private property. |
| Missouri | None. |
| Montana | N/A |
| Nebraska | Our most difficult challenge is the small business owner in 'outstate' and rural Nebraska – where the majority of land is Agricultural. It is the small business owner who wants an off- premise billboard that would advertise only their business – they would not be in the business of selling weekly/monthly/etc. advertising to other entities; that business name would remain the same simply to let the traveling public know they are 'just down the road' etc. Quite often these small businesses do not qualify for TODS or LOGOS, or TODS/LOGOS are just too costly for them. |
| Nevada | Digital billboards. |
| New Hampshire | None really, small state and not a lot of signs. |
| New Jersey | Illegal signs particularly by those not in the industry. |
| New Mexico | The area/issue of zoning designations/classifications can be difficult to regulate. This is due to the amount of research and verification necessary to determine if zoning was created/changed for the purposes of outdoor advertising, or if spot zoning has occurred. |
| New York | The whole program is difficult to manage due to understaffing. |

| State | Regulatory Difficulties |
|----------------|---|
| North Carolina | They both have their challenges, on premise vs off premise at times, unzoned commercial areas, can be tricky. Signs that are approved locally using their rules (more stringent than ours) to approve and then once a sign owner get both permits (state and local) they want only our rules to apply, this causes the sign owner to use our permit to trump the local rules. NCDOT stays away from these type of issues, because we can't inforce local rules, we do not take sides. |
| North Dakota | In rural areas, accurate identification of the zoning, including whether the zoning was the result of comprehensive planning process, can be especially challenging. |
| Ohio | Older urban areas with many nonconforming devices and conflicting city regulations, unzoned commercial and industrial areas. |
| Oklahoma | Uncertainty of the Scenic Byway Program regarding signs. |
| Oregon | The hardest areas to regulate in Oregon are those furthest from the Salem area for practicality and travel expense, and those areas that are geographically dense and already populated with a large number of permitted signs. In areas where there is a plethora of legal, permitted signs, more signs can "crop-up" without being noticed immediately among the existing structures. |
| Pennsylvania | N/A |
| Rhode Island | Urban areas. |
| South Carolina | We don't have any areas that are particularly difficult to regulate. |
| South Dakota | The most difficult area to regulate is the Black Hills region where many local jurisdictions have adopted more restrictive billboard regulations than state statute. Our state statute is not clear on when a nonconforming sign is broken or destroyed beyond the point of repair and needs to be removed. |
| Tennessee | Zoning is most difficult to regulate within the State of TN. |
| Texas | Zoning designations, as they is allowed of mixed use zoning that conflicts with the federal regulations. We have many challenges with the commercial/industrial areas, as far as defining them to meet the spirit of the HBA and to prevent cheating the regulations. We also have areas that should be considered commercial/industrial in nature but they do not meet the regulations. I think that we should not allow cities to be certified, as we have 29 certified cities and we as the state are to maintain oversight of the city to ensure compliance with the federal regulations and if we don't they can threaten our funding. The cities often do not comply with the Federal/State agreement which provides for an enforcement issue with the city and then subsequently political issues. There should be a disconnect, either the cities do what they want and not affect the state funding, or they do not become certified and we control the signs. In many cities that are not certified, the cities still have local ordinances to control signs independently from the state. The language in the Federal/State agreement regarding lighting is "outdated" and causes issues. I think we should no longer have "nonconforming" status, as the feds allow the states to establish the standards for customary maintenance, so in our state they can replace the half the poles each year and the sign really never goes away. I am not for against the removal of signs, however, when a sign operator makes substantial changes to a nonconforming sign according to our regulations, we are required to cancel the permit and then spend legal fees fighting it in court. |
| Utah | Rural areas outside of the metropolitan Wasatch Front corridor in Utah. Zoning is a complex issue now compared to the 1960's. Zoning is not simply industrial, commercial, residential or agricultural now. |
| Vermont | N/A |

| State | Regulatory Difficulties |
|---------------|--|
| Virginia | Urban areas because of the volume of signs visible to the road. |
| Washington | Interstate routes because of the desire to add more and brighter signs. |
| West Virginia | I've only been the manager for about a year, but each sign has each own distinct problems. I might say the cotton or kerr areas. |
| Wisconsin | Interstates are difficult. On-property sign owners have been challenging the 50 foot requirement lately, off-property sign owners don't like the 9/1/59 zoning requirement from the Bonus Act, and illegal signs may pop up on trailers in fields. |
| Wyoming | The mountainous areas. |