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**Dept. of Transportation & Public Facilities**

# POSITION PAPER

**BILL NO:** House Bill No. 448

**TITLE:** An act relating to outdoor Political Advertising

*W.S. Gault*  
**APPROVED:** Mark S. Hickey  
Commissioner  
**DATE:**


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The Department of Transportation and Public Facilities supports this bill as control of political signs has become a controversial and increasing problem within the state. This bill would assist in the enforcement of political signs in that:

- (1) The candidate must acknowledge that they are familiar with the provisions of law regulating outdoor political advertising.
- (2) Responsibility has been identified as the candidate or group owning the signs.
- (3) The 30 day notice ordering the owner to remove an unlawful political sign is eliminated, thereby making enforcement more effective.
- (4) The penalty for a violation is increased from \$50 to \$250.

HOUSE BILL NO. 448  
NEUTRAL SUMMARY  
Prepared by the Division of Elections

The Division of Elections has reviewed House Bill No. 448, "An Act relating to outdoor political advertising," that would require a political candidate to be familiar with the provisions of the law that regulates outdoor political advertising, and to simultaneously file a statement to that fact at the time he or she files a declaration of candidacy. The Division is neutral on the intent of HB 448.

  
\_\_\_\_\_  
Sandra J. Stout  
Director  
Division of Elections

# IMPORTANT INFORMATION ABOUT CAMPAIGN TREASURERS AND POLITICAL SIGNS

The Alaska Public Offices Commission and the Department of Transportation and Public Facilities are responsible for administering Alaska law with regard to the subjects below. Should you have any questions about these requirements or wish additional information, please contact the appropriate office as indicated.

APOC, Anchorage, 276-4176

## Section 15.13.060. CAMPAIGN TREASURERS.

(a) Each candidate and group shall appoint a campaign treasurer who is responsible for receiving, holding, and disbursing all contributions and expenditures, and for filing all reports and statements required by law. A candidate may be a campaign treasurer.

(b) Each group shall file the name and address of its campaign treasurer with the commission at the time it registers with the commission under §.050 of this chapter.

(c) Each candidate for state office shall file the name and address of the campaign treasurer with the commission, or submit, in writing, the name and address of the campaign treasurer to the lieutenant governor for filing with the commission, no later than 15 days after the date of filing his declaration of candidacy or his nominating petition. Each candidate for municipal office shall file the name and address of the campaign treasurer with the commission no later than seven days after the date of filing his declaration of candidacy or his nominating petition. If the candidate does not designate a campaign treasurer, the candidate is the campaign treasurer.

(d) In the case of the death, resignation or removal of a campaign treasurer, the candidate shall appoint a successor as soon as practicable and file his name and address with the commission within 48 hours of the appointment. The candidate is disqualified when he has been found to have been in wilful violation of this subsection.

(e) A campaign treasurer may appoint as many deputy campaign treasurers as he considers necessary. The candidate shall file the names and addresses of the deputy campaign treasurers with the commission.

(f) The candidate is responsible for the performance of his campaign treasurer, and any default or violation by the treasurer also shall be considered a default or violation by the candidate if he knew or had reason to know of the default or violation. (§ 1 ch 76 SLA 1974; am § 16-19 ch 189 SLA 1975; am § 1 ch 133 SLA 1977)

Section 15.13.090. IDENTIFICATION OF COMMUNICATION (Effective January 1, 1981). All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate or outcome of a ballot proposition or question shall be clearly identified by the words "paid for by" followed by the name and address of the candidate, group or individual paying for the advertising. In addition, candidates and groups must identify the name of their campaign chairman. (§ 1 ch 76 SLA 1974; am § 22 ch 189 SLA 1975; am § 36 ch 100 SLA 1980)

## Department of Transportation & Public Facilities

AS 19.25.080-180, AS 19.25-200-250 and 17 AAC 20.010 govern the placement of political signs. Political signs placed within 660 feet of the right-of-way of primary or secondary highways are illegal. Political signs placed more than 660 feet outside the right-of-way with the purpose of the message being read from the traveled way of a primary or secondary highway are illegal.

The placing of a sign in violation of the state statutes is a misdemeanor and upon conviction is punishable by a fine of not less than \$50 nor more than \$1,000 (Sec. 19.25.130). Political signs placed within the right-of-way of highways are illegal encroachments under AS 19.25.220 and 17 AAC 20.010, and may be summarily removed pursuant to AS 19.25.240, Outdoor Advertising.

Private landowners placing signs, allowing signs to be placed, or allowing signs to remain on property along State primary or secondary highway rights-of-way are in violation of the law and could also have civil liability. Private landowners could find themselves in court and liable for damages caused by a sign on their property which contributed to a vehicle accident.

Confiscated signs may be recovered from the nearest field maintenance facility after payment for man and equipment hours expended in the removal. In all cases the minimum charge will not be less than \$50. Confiscated signs not recovered will be destroyed after thirty (30) days.

If you are in doubt concerning the state right-of-way in a given area, please contact the appropriate regional office of the Department of Transportation and Public Facilities for information: Anchorage Regional Office - 266-1440; Fairbanks Regional Office - 451-2294; Juneau Regional Office - 789-6221.

**Candidates should check with municipal officials for local ordinances regarding sign placement.**

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.	4-7-88	1:30p.m.
H. JUD.	3-24-88	1:30p.m.

# HOUSE COMMITTEE REPORT

(7)

Date referred: 3/11/88

FURTHER REFERRALS: Finance

DATE: March 7, 1988

The Judiciary Committee has considered HB 448

"An Act relating to outdoor political advertising."

**RECOMMENDS:**

- replace with CS HB 448 (Jud)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(s):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 3/11/88
- zero with analysis

**SIGNING DO PASS:**

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**SIGNING OTHER RECOMMENDATIONS:**

no rec.  
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\_\_\_\_\_  
 Chairman's signature

Original sponsors: Frank, Miller,  
Boyer, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 448 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to outdoor political advertising;  
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 15.25.030(b) is amended to read:

10 (b) A person filing a declaration of candidacy under this sec-  
11 tion shall simultaneously file a statement

12 (1) of income sources and business interests which complies  
13 with the requirements of AS 39.50;

14 (2) that the candidate is familiar with the provisions of  
15 law regulating outdoor political advertising as prepared by the De-  
16 partment of Transportation and Public Facilities.

17 \* Sec. 2. AS 19.25 is amended by adding a new section to read:

18 Sec. 19.25.115. OUTDOOR POLITICAL ADVERTISING. (a) A candidate  
19 for public office in the state and a group supporting or opposing a  
20 candidate for public office in the state or supporting or opposing a  
21 ballot proposition or question may erect temporary posters or signs on  
22 private property to reflect their views if the posters and signs are  
23 not in violation of AS 19.25.105(a).

24 (b) The department shall immediately remove posters or signs  
25 placed on public property or placed in violation of AS 19.25.105(a)  
26 and shall bill the candidate or group advertised on the sign or poster  
27 for its actual costs involved in the removal of the posters or signs.

28 \* Sec. 3. AS 19.25.130 is amended to read:

29 Sec. 19.25.130. PENALTY FOR VIOLATION. Except as provided in  
-1- CSHB 448(Jud)

1        (b) of this section, a [A] person who violates AS 19.25.080 - 19.25.-  
2        180 [,] or a regulation adopted under them [,] is guilty of a misde-  
3        meanor and upon conviction is punishable by a fine of not less than  
4        \$50 nor more than \$1,000.

5        \* Sec. 4. AS 19.25.130 is amended by adding a new subsection to read:

6                (b) A person who knowingly violates AS 19.25.115 or a regulation  
7        adopted under it is guilty of a violation and upon conviction is  
8        punishable by a fine of not less than \$250 nor more than \$1,000.

9        \* Sec. 5. AS 19.25.150 is amended to read:

10                Sec. 19.25.150.    UNLAWFUL ADVERTISING.    A nonpolitical [AN]  
11        advertising sign, display or device that [WHICH] violates the pro-  
12        visions of AS 19.25.080 - 19.25.180 [THIS CHAPTER] is a public nui-  
13        sance. The department shall give 30 days' notice, by certified mail,  
14        to the owner of the land on which the nonpolitical advertising sign,  
15        display or device is located, ordering its removal if it is prohibited  
16        by AS 19.25.080 - 19.25.180 [THIS CHAPTER] or ordering the owner to  
17        cause it to conform to regulations if it is authorized by AS 19.25.-  
18        080 - 19.25.180 [THIS CHAPTER]. If the owner of the property fails to  
19        comply within 30 days of [AS REQUIRED IN] the notice, the department  
20        shall remove the outdoor advertising sign, display or device at the  
21        expense of the owner of the land or the person who erected it.

22        \* Sec. 6. AS 19.25.160(1) is amended to read:

23                (1) "outdoor advertising" includes any nonpolitical outdoor  
24        sign, display or device used to advertise, attract attention or inform  
25        and which is visible to a person on the main-traveled way of a highway  
26        of the interstate, primary, or secondary systems in this state, wheth-  
27        er by printing, writing, painting, picture, light, drawing, or whether  
28        by the use of figures or objects, or a combination of these, or any  
29        other thing designed, intended or used to advertise, inform or attract

1 attention;

2 \* Sec. 7. Section 1 of this Act takes effect January 1, 1989.

3 \* Sec. 8. Sections 2 - 6 of this Act take effect immediately under  
4 AS 01.10.070(c).

5-0633X  
Bradley  
4/5/88

Original sponsors: Frank, Miller,  
Boyer, et al.

Adopted

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 448 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

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attention;

\* Sec. 7. Section 1 of this Act takes effect January 1, 1989.

\* Sec. 8. Sections 2 - 6 of this Act take effect immediately under AS 01.10.070(c).

Original sponsors: Frank, Miller,  
Boyer, et al.

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE  
2 CS FOR HOUSE BILL NO. 448 (Transportation)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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3        meanor and upon conviction is punishable by a fine of not less than  
4        \$50 ~~nor more than \$1,000.~~

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7        under it is guilty of <sup>A</sup> ~~a misdemeanor~~ <sub>Violation</sub> and upon conviction is punishable  
8        by a fine of not less than \$250 nor more than \$1,000.

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29        other thing designed, intended or used to advertise, inform or attract

1        attention;

2        \* Sec. 7. Section 1 of this Act takes effect January 1, 1989.

3        \* Sec. 8. Sections 2 - 6 of this Act take effect immediately under

4 AS 01.10.070(c).

# Alaska State Legislature

**STEVE FRANK**

DISTRICT 20A  
Finance Committee

1125 Sunset Drive  
Fairbanks, Alaska 99701



While in Juneau  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3709

## House of Representatives

TO: House Judiciary Committee

FROM: Rep. Steve Frank

RE: House Bill 448 - "An Act relating to outdoor political advertising signs and providing for an effective date."

DATE: March 24, 1988

---

House Bill 448 would change the law and stiffen the penalties for illegal placement of political advertising signs.

Each election year a large number of political campaign signs can be found along most of our major roadways. Existing statutes prohibit signs along federal aid highways as well as primary and secondary roads. Under current law, the Department of Transportation gives 30 days for compliance to the owner of the land where the sign in violation is placed. If, at the end of 30 days the sign is still in violation, "...the department shall remove it at the expense of the owner of the land."

This bill would change the existing statute in four (4) ways. It would:

- 1) require candidates filing for political office to sign a statement acknowledging that they are aware of the law related to political advertising signs;
- 2) eliminate the 30 day period that a sign can be illegally placed and charge the department with immediate removal upon discovery of that sign;
- 3) increase the minimum penalty for violation from \$50 to \$250 per count; and
- 4) shift the burden of responsibility from the owner of the land to the person or group advertising.

This bill is aimed at violations by candidates who knowingly place their political advertising signs in prohibited areas and "buy time" through the notice period which allows the sign to remain fixed for 30 days after the owner of the land is asked to remove it. It would not change existing laws regarding other types of signs, nor would it change setbacks, etc. for placement of signs.

Thank you for your consideration.



"Beauty Act"

Public Law 89-285  
89th Congress, S. 2084  
October 22, 1965

An Act

79 STAT. 1028

To provide for scenic development and road beautification of the Federal-aid highway systems.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Highway Beau-  
tification Act  
of 1965.

TITLE I

SEC. 101. Section 131 of title 23, United States Code, is revised to read as follows: 72 Stat. 904.

“§ 131. Control of outdoor advertising

“(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

“(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of outdoor advertising signs, displays, and devices which are within six hundred and sixty feet of the nearest edge of the right-of-way and visible from the main traveled way of the system shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control. Any amount which is withheld from apportionment to any State hereunder shall be reapportioned to the other States. Whenever he determines it to be in the public interest, the Secretary may suspend, for such periods as he deems necessary, the application of this subsection to a State.

72 Stat. 889.

“(c) Effective control means that after January 1, 1968, such signs, displays, and devices shall, pursuant to this section, be limited to (1) directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning the lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located.

“(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the

add provisions  
of 1974 amendment  
here →

Amended  
by Hornet

purposes of this Act. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.

"(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

"(f) The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

"(g) Just compensation shall be paid upon the removal of the following outdoor advertising signs, displays, and devices—

*Amended by '74 act  
"upon the  
removal of any outdoor advertising  
sign, display or device lawfully  
erected under State law"*

"(1) those lawfully in existence on the date of enactment of this subsection,

"(2) those lawfully on any highway made a part of the interstate or primary system on or after the date of enactment of this subsection and before January 1, 1968, and

"(3) those lawfully erected on or after January 1, 1968.

The Federal share of such compensation shall be 75 per centum. Such compensation shall be paid for the following:

"(A) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

"(B) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

"(h) All public lands or reservations of the United States which are adjacent to any portion of the Interstate System and the primary system shall be controlled in accordance with the provisions of this section and the national standards promulgated by the Secretary.

Information centers.

"(i) In order to provide information in the specific interest of the traveling public, the State highway departments are authorized to maintain maps and to permit informational directories and advertising pamphlets to be made available at safety rest areas. Subject to the approval of the Secretary, a State may also establish information centers at safety rest areas for the purpose of informing the public of places of interest within the State and providing such other information as a State may consider desirable.

Bonus payments.

"(j) Any State highway department which has, under this section as in effect on June 30, 1965, entered into an agreement with the Secretary to control the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System shall be entitled to receive the bonus payments as set forth in the agreement, but no such State highway department shall be entitled to such payments unless the State maintains the control required under such agreement or the control required by this section, whichever control is stricter. Such payments shall be paid only from appropriations made to carry out this section. The provisions of this subsection shall not be construed to exempt any State from controlling outdoor advertising as otherwise provided in this section.

"(k) Nothing in this section shall prohibit a State from establishing standards imposing stricter limitations with respect to signs, displays, and devices on the Federal-aid highway systems than those established under this section.

"(l) Not less than sixty days before making a final determination to withhold funds from a State under subsection (b) of this section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefor, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

Notice of final determination.

62 Stat. 928.

"(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed \$20,000,000 for the fiscal year ending June 30, 1966, and not to exceed \$20,000,000 for the fiscal year ending June 30, 1967. No part of the Highway Trust Fund shall be available to carry out this section."

Appropriation.

SEC. 102. The table of sections of chapter 1 of title 23 of the United States Code is amended by striking out

"131. Areas adjacent to the Interstate System."

and inserting in lieu thereof

"131. Control of outdoor advertising."

## TITLE II

SEC. 201. Chapter 1 of title 23, United States Code, is amended to add at the end thereof the following new section:

23 USC 101  
et seq.

### "§ 136. Control of junkyards

"(a) The Congress hereby finds and declares that the establishment and use and maintenance of junkyards in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty.

"(b) Federal-aid highway funds apportioned on or after January 1, 1968, to any State which the Secretary determines has not made pro-

Apportioned funds, withholding.



# An Act

88 STAT. 2281

To authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Amendments of 1974."

Federal-Aid Highway Amendments of 1974.  
23 USC 101 note.  
23 USC 101 et seq.

## HIGHWAY AUTHORIZATIONS

SEC. 101. For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, an additional \$100,000,000 for the fiscal year 1976. For the Federal-aid secondary system in rural areas, out of the Highway Trust Fund, an additional \$50,000,000 for the fiscal year 1976. Sums authorized by this paragraph are in addition to the authorizations for fiscal year 1976 for these systems in section 104(a)(1) of the Federal-Aid Highway Act of 1973.

87 Stat. 251.

(2) For control of outdoor advertising under section 131 of title 23, United States Code, \$50,000,000 for the fiscal year 1975.

(3) For control of junkyards under section 136 of title 23, United States Code, \$15,000,000 for the fiscal year 1975.

(4) For landscaping the scenic enhancement under section 319(b) of title 23, United States Code, \$10,000,000 for the fiscal year 1975.

(5) Nothing in paragraph (1) or (6) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319(b), or chapter 4 of title 23, United States Code.

(6) For off-system roads under section 219, title 23, United States Code, \$200,000,000 for the fiscal year 1976.

## INDIAN RESERVATION ROADS AND BRIDGES

SEC. 102. (a) Paragraph (9) of subsection (a) of section 104 of the Federal-Aid Highway Act of 1973 is amended to read as follows:

87 Stat. 252.

"(9) For Indian reservation roads and bridges, \$83,000,000 for the fiscal year ending June 30, 1974, \$84,000,000 for the fiscal year ending June 30, 1975, and \$83,000,000 for the fiscal year ending June 30, 1976."

(b) The definition of the term "Indian reservation roads and bridges" in subsection (a) of section 101 of title 23, United States Code, is amended to read as follows:

"Indian reservation roads and bridges."

"The term 'Indian reservation roads and bridges' means roads and bridges, including roads and bridges on the Federal-aid systems, that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

(c) Section 208 of title 23, United States Code, is amended by relettering subsections (c) and (d) as (d) and (e), respectively, and adding a new subsection (c) as follows:

"(c) Before approving as a project on an Indian reservation road or bridge any project on a Federal-aid system in a State, the Secretary must determine that obligation of funds for such project is supplementary to and not in lieu of the obligation, for projects on Indian

## ENFORCEMENT

23 USC 101. SEC. 107. (a) Chapter 1 of title 23 of the United States Code is amended by inserting after section 140 the following new section:

23 USC 141. "§ 141. Enforcement of requirements

23 USC 127. "Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary, the Federal-aid urban system and the Federal-aid secondary system, including the Interstate System in accordance with section 127 of this title, and all speed limits on public highways in accordance with section 154 of this title. The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this section."

23 USC 154.  
23 USC 106.

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by striking out

"141. Real property acquisition policies."

and inserting in lieu thereof the following:

"141. Enforcement of requirements."

## ALASKA FERRY OPERATIONS

SEC. 108. Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, is amended to read as follows:

"(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between any two points in Alaska and between Alaska and Washington, including stops at appropriate points in the Dominion of Canada, no part of such ferry operation shall be in any foreign or international waters."

## CONTROL OF OUTDOOR ADVERTISING

SEC. 109. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,"

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read

Effective  
control.

from such main traveled way, shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located (3) signs, displays, and devices advertising activities conducted on the property on which they are located, and (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purposes of this section."

Signs and notices.

(c) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

Compensation.

"Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

#### CONTROL OF JUNKYARDS

SEC. 110. Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

Compensation.

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

#### ADVANCE CONSTRUCTION

SEC. 111. (a) Subsection (a) of section 115 of title 23, United States Code, is amended by striking out "including the Interstate System," each of the two places it appears and inserting in lieu thereof at each such place the following: "other than the Interstate System."

(b) Section 115 of title 23, United States Code, is amended by redesignating subsection (b) as subsection (c) and by adding immediately after subsection (a) the following new subsection:

"(b) When a State proceeds to construct any project on the Interstate System without the aid of Federal funds, as that System may be designated at that time, in accordance with all procedures and all requirements applicable to projects on such System, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the cost of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

23 USC 104.

"(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Interstate System, and

"(2) the project conforms to the applicable standards under section 109 of this title."

23 USC 109.

EXPLANATION OF "HIGHWAY BEAUTIFICATION ACT OF 1965"  
(Public Law 89-285, October 22, 1965)

THE LAW PROVIDES FOR CONTROL OF OUTDOOR ADVERTISING

- control of outdoor advertising along the Interstate System and the primary system is to be achieved by January 1, 1968.
- effective control under this law means that
  - (1) on premise advertising, (i.e., advertising activities on the premises on which the sign is located) is not subject to Federal regulation.
  - (2) outdoor advertising in commercial or industrial areas, zoned or unzoned, is authorized, with criteria as to size, spacing, and lighting of signs to be agreed to by the States and the Secretary of Commerce, taking into account customary use.
  - (3) except for on premise advertising and advertising in commercial or industrial areas, whether zoned or unzoned, billboards are prohibited within 660 feet of the edge of the right-of-way along the Interstate and primary systems.
- the exercise of zoning authority is left with the States and local governments.
- in any event, signs lawfully in existence as of September 1, 1965 are not required to be removed until July 1, 1970 even though they are in "control areas."
- just compensation is authorized to be paid to the owners of signs which have to be removed and to owners of property on which the signs are located.
- the compensation costs are to be shared between States and the Federal Government with the Federal Government paying 75 percent.
- those States which entered into agreements to control outdoor advertising under the previous law would continue to receive the Federal bonus payment if the States continue to maintain the control as required under those agreements or under the terms of the new legislation, whichever control is stricter.

- motels, restaurants, service stations and other businesses catering to the motoring public will be assisted by signs erected at appropriate places on the Interstate System giving specific information, including names and brands, of interest to the traveling public. These signs would be provided in consultation with the States and in conformity with standards issued by the Secretary.

#### THE LAW PROVIDES FOR CONTROL OF JUNKYARDS

- control of establishment and maintenance of junkyards along the Interstate and primary systems is to be achieved by January 1, 1968. The control area is 1,000 feet from the edge of the right-of-way.
- effective control may be obtained by screening through the use of plantings, fences or other appropriate means.
- junkyards which cannot be screened do not have to be removed until July 1, 1970.
- junkyards located in zoned or unzoned industrial areas do not have to be screened or removed as these are not subject to control.
- just compensation is authorized to be paid for the screening of junkyards where needed, and for the removal of junkyards where required, and the costs are to be shared by the States and Federal Government, with the Federal Government paying 75 percent.

#### THE LAW PROVIDES FOR PUBLIC HEARINGS BEFORE STANDARDS, RULES AND REGULATIONS ARE PUBLISHED

- the Secretary of Commerce is required to hold public hearings in each State before making conclusions on the standards, rules, and regulations covering outdoor advertising and junkyards.
- the Secretary is required to report to Congress in January 1967 on detailed cost estimates and on the standards and regulations to be applied in carrying out the Act.

THE LAW PROVIDES FOR REDUCTION IN APPORTIONMENTS TO STATES WHICH HAVE NOT MADE PROVISION FOR EFFECTIVE CONTROL

- Federal-aid funds apportioned to any State on or after January 1, 1968 shall be reduced by 10 percent if the State has not made provision for effective control of outdoor advertising or junkyards. However, the Secretary may waive reduction in apportionments if he determines such action to be in the public interest.

THE LAW PROVIDES FOR JUDICIAL REVIEW

- before the Secretary may reduce a State's apportionment of highway funds by 10 percent for failure to control billboards and junkyards, he is required to give the State at least 60 days notice and an opportunity for a hearing.
- if the decision on the 10 percent reduction is adverse to the State, the State may appeal the matter to any Federal District Court for that State, for full judicial review of the Secretary's decision.
- the decision of the District Court is subject to review by the Court of Appeals and then by the Supreme Court.
- while the court action is pending, the Secretary may not reapportion the 10 percent amount withheld from the State in question but is required to hold this available for later apportionment or reapportionment in accordance with the final judgment of the courts.

THE LAW PROVIDES FOR LANDSCAPING AND SCENIC ENHANCEMENT

- the States would be allocated an amount equal to 3 percent of apportioned Federal-aid highway funds. This allocation would be used for landscape and roadside development, and for scenic preservation and enhancement. These funds may be used in areas adjacent to and within the right-of-way.
- this amount does not have to be matched by the States.
- in most cases the cost of landscaping right-of-way and providing roadside rest areas within the right-of-way will continue to be a part of the "cost of construction" on the highway project, as is the case under the present and long established law providing for matching funds.

- eminent domain authority will not be used to force a person to sell his dwelling for scenic strips adjacent to the right-of-way.

THE COSTS OF THIS BEAUTIFICATION PROGRAM

- costs of this program will be from the General Fund, not the Highway Trust Fund.
- the law authorizes appropriations of \$120 million for landscape and scenic enhancement for each of the fiscal years 1966 and 1967.
- the law authorizes appropriations of \$20 million each for control of billboards and junkyards for each of the fiscal years 1966 and 1967.

# **federal register**

TUESDAY, SEPTEMBER 16, 1975



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PART III:

## **DEPARTMENT OF TRANSPORTATION**

**Federal Highway  
Administration**

**HIGHWAY  
BEAUTIFICATION,  
OUTDOOR  
ADVERTISING  
CONTROL**

## Title 23—Highways

## CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER II—RIGHT-OF-WAY AND ENVIRONMENT

PART 750—HIGHWAY BEAUTIFICATION  
Outdoor Advertising Control

**o Purpose:** This document publishes regulations of the Federal Highway Administration (FHWA) prescribing policies and requirements relating to the effective control of outdoor advertising in areas adjacent to Interstate and Federal-aid highways. The regulations will appear as Subpart G of this part. ●

A notice of proposed rulemaking was issued by the Administrator of the Federal Highway Administration and published in the FEDERAL REGISTER on October 10, 1974, at 39 FR 36490. A correction of this notice of proposed rulemaking was published on December 13, 1974, at 39 FR 43409. Finally, an Amended Notice of proposed rulemaking was published on March 11, 1975, at 40 FR 11361. This amendment was necessitated by changes made in 23 U.S.C. 131 under the Federal-Aid Highway Amendments of 1974, Pub. L. 93-643, January 4, 1975. A substantial number of comments were received on these three notices from the outdoor advertising industry, environmental groups, and other interested parties. In addition, comments were received from the Advisory Commission on Intergovernmental Relations (ACIR) and State members of the American Association of State Highway and Transportation Officials (AASHTO) pursuant to the clearance process required by Office of Management and Budget Circular A-85.

The proposed regulations have been modified as a result of some of the comments received, as a result of additional consultation with the States, and after further consideration of the regulations within the FHWA.

The following is a section-by-section analysis of comments received and modifications resulting from the notices of proposed rulemaking:

## § 750.703 DEFINITIONS

Two comments suggested the addition of a definition of an "abandoned" sign. The suggestion was not adopted because the regulations now provide that each State shall develop criteria defining this term.

A definition of "unzoned commercial or industrial area" has been included as a result of comment.

The definition of "State law" has been revised to omit reference to political subdivision ordinances or regulations pursuant to a comment that the original definition was too broad.

The definition of "lease" has been revised to indicate that it must be a valid contract under State law. This was done pursuant to comment that such an addition would accommodate differences in State law.

The definition of "illegal sign" has been revised to include those which are

illegal under local law or ordinance as a result of comment received.

The definition of a double-faced, back-to-back, or "V" type sign has been deleted as a definition. The subject is now addressed in § 750.706, Sign Control in Zoned and Unzoned Commercial and Industrial Areas.

The definition of "visible" has been revised by substituting the word "readable" for "legible." The definition of "legible" has been omitted.

Two comments took exception to the definition of "urban areas." This is defined in 23 U.S.C. 101(a), and was a quote. The regulations now refer the reader to the law.

## § 750.704 STATUTORY REQUIREMENTS

Two comments took exception to the use of the term "visible" in § 750.704(a) relative to those signs within 660 feet of the right-of-way. One stated that "visible" seemed entirely too far-reaching and that something more in accord with their State law should be used. The suggestion was not adopted because 23 U.S.C. 131 uses the term "visible."

One comment objected to directional signs as being discriminatory against certain tourist-oriented businesses, and also stated that the National Standards regulating such signs should be established in this regulation rather than at a later date. These standards were issued in January, 1969, pursuant to policies and provisions expressed in 23 U.S.C. 131, and are currently found in Subpart B, Part 750, Chapter I, 23 CFR.

## § 750.705 EFFECTIVE CONTROL

A comment recommended the inclusion of just compensation requirements in § 750.705. The recommendation was accepted, and § 750.705(e) was revised accordingly.

Section 750.705(g) has been revised. The suggested criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way has been moved to a nonregulatory part of this regulation. One additional item concerning use of data from an independent audit agency was added pursuant to a comment.

A recommendation was made to include the following statement in § 750.705(g):

"If the sign was erected prior to construction of the controlled highway, and is adjacent to another highway, it should not be considered as having been erected with the purpose of its message being read from the main-traveled way (of the controlled highway)."

If adopted, this provision would have the effect of creating a class of exempt signs not subject to control or removal simply because they predated the construction of a highway. We believe this is contrary to the intent of 23 U.S.C. 131. Construction of a new Interstate or primary highway may have the effect of creating new nonconforming signs in the same manner as the system reclassification of a highway from secondary to primary.

Section 750.705(d), which concerns the State enforcement procedures relative to illegally erected or maintained signs has been revised by the deletion of certain detailed requirements. However, the basic requirement of prompt discovery and removal has not been changed.

New § 750.705(j) concerning FHWA approval of State operating procedures has been added.

## § 750.706 SIGN CONTROL IN ZONED AND UNZONED COMMERCIAL AND INDUSTRIAL AREAS

Section 750.706(e)(2) would allow local zoning authorities to establish less restrictive regulations than those contained in the State-Federal agreement unless State law prohibits this. Several comments were received which took exception to the provision for less restrictive regulations. This provision was not revised because 23 U.S.C. 131(d) allows bona fide State, county, or local zoning authorities to make a determination of "customary use," which determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographic jurisdiction of such authority. Thus, "customary use" in a particular community may be less restrictive than the agreement criteria and would have to be accepted.

Section 750.706(e)(5) has been revised to make clear that where local controls have been certified within commercial and industrial zones, pursuant to 23 U.S.C. 131(d), the State remains responsible for the control of those areas within the local jurisdiction which are outside of the commercial and industrial zones. This was done pursuant to a comment that the previous language was too broad.

## § 750.707 NONCONFORMING SIGNS

One comment recommended the deletion of this entire section, and revising it to make three distinctions: (1) Nonconforming signs; (2) pre-existing signs; and (3) abandoned signs. This suggestion was not adopted. Pre-existing signs are those covered under a so-called "grandfather clause" in certain State-Federal agreements. Although not required to be removed, they are subject to the same rules as non-conforming signs and should not be singled out for special treatment. Abandonment is only one category in a large number of events which would terminate the right to maintain and continue a nonconforming sign.

One comment strongly objected to the concept that lack of copy should be the clue used by the States to presume a sign is abandoned unless the owner can prove such is not the case. The comment recommended the following be used in determining abandonment:

1. Is the sign owner in compliance with governmental license or permit requirements?

2. Is the sign owner continuing efforts to secure a user for the space?

3. Is the sign owner in default of his current agreement with the site owner?

While it is agreed that the three tests may be used as evidence of abandonment,

these regulations relate not only to abandonment but to voluntary discontinuance of a nonconforming use as well. It is well established in land use law that if a nonconforming use is discontinued or abandoned, it may not again be resumed. Further, a discontinuance of a nonconforming use acts as a bar to resumption of such use even though there may be no evidence of intended abandonment.

There has been some controversy as to when and under what circumstances a sign should be treated as abandoned or discontinued. Thus, these regulations provide that each State shall develop criteria to define abandonment and discontinuance, and that such criteria may provide that a sign with obsolete advertising matter or without advertising matter, each for a designated period of time, may constitute abandonment or discontinuance.

Another comment stated that it is severely damaging to sign owners to treat pre-existing signs in legal areas, which subsequently became controlled, as if they were nonconforming signs subject to easy forfeiture for a mere lack of copy, and to provide that such forfeiture deprives the sign owners of the right thereafter to operate such signs and receive compensation. Further, with regard to true nonconforming signs, regulations which provide for a forfeiture of the right to operate as a nonconforming use (and of the right to compensation) on the grounds of a mere lack of copy would be illegal because Congress itself provided to the contrary.

The foregoing assumes that Federal law guarantees compensation upon the removal of every sign that predated the Federal or State law whether or not the sign was lawfully in existence under State law at the time the State acts to remove it. Such is not the case. There is no vested right to future just compensation based on conditions once but no longer existing at the time of acquisition. The conditions which establish a right to payment of just compensation must be in existence at the time of acquisition. Thus, signs which become illegal are no longer required to be acquired under the law of eminent domain. A sign does not lose its nonconforming status by "mere lack of copy" because customary maintenance and change of message is permitted, and does not terminate nonconforming rights. Rather, the lack of copy must endure for a period of time which constitutes a cessation of the nonconforming use or an abandonment of the nonconforming use.

Several comments were made to the effect that § 750.707(d)(2) should be revised because owners of small signs should have the same right to compensation as the owners of larger signs with substantial value. "Substantial value" should have no bearing. This was not intended, and the regulation has been revised to require that there must be existing property rights in the sign without regard to value.

Comments were made with regard to § 750.707(d)(6) that the exceptions allowed should also include acts of God

as they too constitute events beyond the sign owner's control. No change has been made. The exceptions made for vandalism and other criminal or tortious acts were due solely to the fact that the Highway Beautification Act of 1965, Pub. L. 89-295, October 22, 1965, created an impetus for unauthorized persons to deliberately chop down or vandalize signs as a part of the environmental movement. Such a practice is not condoned. However, nonconforming uses are terminated by natural attrition in the normal course of events. Thus, a nonconforming sign destroyed or substantially damaged by an act of God is terminated because it would need to be rebuilt or a new sign would have to be erected in its place. New signs, or substantially new signs, must be located in conforming areas. To allow new signs to be erected in a nonconforming area only to be later acquired by the State would unduly burden the taxpayers with an unwarranted cost.

A comment stated that while the provisions of § 750.707(d) closely follow zoning law as it relates to nonconforming uses, and although it might be agreed that zoning law should be applied to nonconforming uses which are allowed to remain indefinitely in commercial or industrial areas, the equity or legality of applying such rules to nonconforming signs scheduled for acquisition is open to serious question. It was urgently requested that the regulations differentiate between nonconforming signs to be acquired, and nonconforming signs allowed to remain under a "grandfather clause." Further, it was suggested that § 750.707(d) be changed to permit alteration or enlargement of a nonconforming sign to be acquired, as well as its rebuilding or reconstruction if damaged or destroyed by forces not under the owner's control.

The foregoing recommendations were not accepted. All nonconforming signs must be treated alike under police power rules. 23 U.S.C. 131 calls for the States to exercise their police power in controlling signs, with compensation provided for those signs which will not be allowed to remain, on the premise that the police power should not be applied retroactively to deprive an owner of his nonconforming use. The owner has a vested right, and forced removal in such cases constitutes a taking requiring compensation. Thus, if Federal lands are not made available in connection with this program, nonconforming signs in prohibited areas would be allowed to remain in the same manner as "grandfathered" signs. See 23 U.S.C. 131(m). Federal law does not provide compensation prospectively so as to cover new sign improvements made in the future, nor does it render once existing sign sites forever compensable and exempt from control.

A comment suggested that the regulation be revised to permit enlarging a nonconforming sign if it does not exceed State law or regulation limits. This suggestion was not adopted. State size limits apply only to conforming signs. A nonconforming sign must remain substantially the same as it was on the effective

date of State law or regulation, or its nonconforming status is terminated.

A comment stated that the section concerning destruction of a nonconforming sign was ambiguous, and should be clarified. The regulation has been revised to require each State to develop criteria concerning destruction, and that such criteria may provide that a sign damaged in excess of a certain percentage of its replacement cost may be considered destroyed.

Several comments recommended that former § 750.707(d)(7)(i) be revised so that where new content is not put on a structure within an established period of time, such a structure would not be allowed to remain standing indefinitely. The regulation has been revised, and provides that each State shall establish a time period, after expiration of which, such signs are to be considered abandoned or voluntarily discontinued, and subject to removal.

Section 750.707(d)(6)(ii) has been revised pursuant to comment to make it clear that the rule is based on customary State enforcement practice and not industry practice. The actual time limit to be imposed is left to the States' discretion with a condition if it exceeds one year.

#### § 750.708 ACCEPTANCE OF STATE ZONING

One comment recommended revision of § 750.708(b), because it could be interpreted as requiring constant review of all zoning actions whether they pertain to outdoor advertising control or not. The recommendation was accepted.

A comment recommended a deletion of § 750.708(d) because it is covered by § 750.708(b). This recommendation was not accepted. Section 750.708(b) requires that zoning actions must be taken in accordance with basic legislative authority, and that certain actions are not recognized as zoning for outdoor advertising control purposes. However, § 750.708(d) makes the point that zones, such as agricultural or residential, which permit limited commercial or industrial activities incidental to the primary land use, are not considered commercial or industrial zones for outdoor advertising control purposes.

Another comment recommended deletion of § 750.708(d) as being contrary to 23 U.S.C. 131. This recommendation was not accepted. The law provides signs may be allowed in commercial and industrial zones. Sections 750.708(b) and (d) are essential to assure the recognition of only bona fide commercial and industrial zones, rather than rural or residential zoning classifications or attempts to circumvent the intent of Congress.

#### § 750.709 ON-PROPERTY OR ON-PREMISE ADVERTISING

One comment recommended the deletion of this section in its entirety, and amending § 750.705 by adding a new paragraph as follows:

"Assure that signs erected under § 750.701(a)(3) are in fact legitimate on-property signs and not outside the scope of 23 U.S.C. 131."

The foregoing recommendations were not accepted. The primary purposes of this section are to provide for general uniformity of implementation in the several States and to curb attempts to circumvent the intent of the law.

A comment suggested revision of this section to clarify the point that on-property signs are subject to regulation only if they are located along Interstate highways in those States which have entered into an agreement under the Federal-Aid Highway Act of 1958, adding section 131, Title 23, U.S.C., Pub. L. 85-767, August 27, 1958, as amended, and often referred to as the 1958 Bonus Program. The regulation has been revised in accordance with this suggestion.

In addition to the regulations issued today, the Federal Highway Administration has provided its field personnel non-regulatory guidelines designed to aid them in administering the Subpart G, Part 750, and in advising the States on the outdoor advertising control program.

The first part of these guidelines deals with States which have adopted controls along the Interstate System pursuant to the 1958 Bonus Program. The present law, while permitting no further expansion of the program to other States, preserves the Bonus payments to those States which had adopted such controls before June 30, 1965. The guidelines explain the relationship between the present law and 1958 Bonus Program.

Bonus payments are provided in accordance with an agreement between the State and the United States Secretary of Transportation (or his predecessor, the Secretary of Commerce). The Highway Beautification Act of 1955 (the 1965 Act), as amended, and the regulations issued pursuant to it have substantially changed control requirements. These new requirements supersede the requirement of the Bonus Agreements where the new requirements are stricter. In order to continue to receive bonus payments, however, a "bonus State" must continue to enforce its Bonus Agreement. The most important aspects of the dual control requirements are:

(1) The Bonus Program applies only to the Interstate System.

(2) Bonus Agreements exempted areas adjacent to an Interstate Highway where any part of the right-of-way for the highway was acquired before July 1, 1956. Such areas are often called "Cotton Areas." Cotton areas are no longer exempted and must be effectively controlled.

(3) The Bonus Agreements also exempted areas adjacent to an Interstate Highway having a commercial or industrial zone located within the boundaries of incorporated municipalities as such boundaries existed on September 21, 1959, provided such areas are subject to the control or regulation of the municipality, or other commercial or industrial zone where the land use was clearly established by State law as commercial or industrial on September 21, 1959. Such areas are called "Kerr Areas." Under the 1965 Act, signs are permitted in zoned

and unzoned commercial or industrial areas subject to a size, lighting and spacing agreement between the State and the Secretary. The Bonus Agreement is controlling with respect to the number and size of commercial or industrial zones or areas recognized, but signs in such zones or areas are subject to provisions of the size, lighting, and spacing agreements made pursuant to the 1965 Act.

(4) The 1958 Bonus Agreement National Standards permitted four classes of signs in protected areas. See Subpart A, Part 750, Chapter I, 23 CFR. These are affected as follows:

(a) *Class 1*—Directional and official signs were subject to regulation, but were not, in fact, regulated under the 1958 National Standards. Signs of this category are subject to National Standards under the 1965 Act (Subpart B, Part 750, Chapter I, 23 CFR) and therefore these provisions are controlling.

(b) *Class 2*—On-premise (on-property) signs are exempt from control under the 1965 Beautification Act, but are subject to control under the 1958 Bonus Agreement National Standards. However, the 1958 National Standards exclude such signs from control if they are located in Cotton or Kerr areas.

(c) *Class 3*—Signs within 12 air-miles of the advertised activity are not permitted unless they are located in commercial or industrial areas or qualify as official or directional signs permitted under 23 U.S.C. 131(c) because the 1965 Act does not permit such a category.

(d) *Class 4*—Signs in the specific interest of the traveling public are not permitted unless they are located in commercial or industrial areas or qualify as official or directional signs permitted under 23 U.S.C. 131(c) because the 1965 Act does not permit such a category.

(5) On-premise signs located more than 50 feet from the advertised activity are subject to control in bonus States in accordance with Subpart A, Part 750, Chapter I, 23 CFR.

The second part of the guidelines deals with the destruction of trees and shrubs in the right-of-way in order to increase or enhance the visibility of outdoor advertising signs. It also deals with instances of the erection or maintenance of signs adjacent to Interstate highways and freeways by unlawful users.

The State highway department is urged to take all legal and administrative action at its disposal to abate these practices, including action to recover damages to landscaping, lighting, fences, and other appurtenances to the highway. Additionally, it is recommended that the States consider the following administrative remedies:

(1) Revocation of permits for any signs so involved;

(2) Denial of permits for signs which can only be erected or maintained as a practical matter from the highway right-of-way or which could not be seen from the highway due to existing landscaping on the right-of-way;

(3) Certification on permits or licenses to the effect that the sign owner will not engage in these practices;

(4) Performance bonds in permit or licensing procedures to guarantee compliance; and

(5) A specific prohibition in State outdoor advertising control regulations.

The third part of the guidelines suggests the type of factors the States might consider in developing the criteria for determining when a sign is erected with the purpose of its message being read from the main-traveled way of an Interstate or primary highway. Such criteria are required by § 750.705(g). These factors are:

(a) Traffic counts, sign angle and size, message content, physical obstructions, and similar factors;

(b) Distance from the controlled highway in relation to the size of the sign;

(c) Exposure time (for example, would signs permitting glance views of a few seconds on highways with speed limits of 55 miles per hour be deemed readable?) and,

(d) The sales value of the sign attributable to advertising circulation on the controlled highway under the criteria of an independent circulation audit survey where such is available.

The fourth, and last, part of the guidelines suggests measuring techniques which the States may wish to adopt.

The regulations here published will become effective on the 9th day of September, 1975.

Issued on: September 9, 1975.

ROBERT J. FIRMAN, JR.

Deputy Highway Administrator.

Chapter I of Title 23 is amended by adding Part 750, Subpart G as follows:

Subpart G—Outdoor Advertising Control

See	
750.701	Purpose.
750.702	Applicability.
750.703	Definitions.
750.704	Statutory Requirements.
750.705	Effective Control.
750.706	Sign Control in Zoned and Unzoned Commercial and Industrial Areas.
750.707	Non-entourning Signs.
750.708	Acceptance of State Zoning.
750.709	On-Property or On-Premise Advertising.
750.710	Landmark Signs.
750.711	Structures Which Have Never Displayed Advertising Material.
750.712	Reclassification of Signs.
750.713	Bonus Provisions.

Authority: 23 U.S.C. 131 and 131a; 49 CFR 1.33.

#### Subpart G—Outdoor Advertising Control

##### § 750.701 Purpose.

This subpart prescribes the Federal Highway Administration (FHWA) policies and requirements relating to the effective control of outdoor advertising under 23 U.S.C. 131. The purpose of these policies and requirements is to assure that there is effective State control of outdoor advertising in areas adjacent to Interstate and Federal-aid primary highways. Nothing in this subpart shall be construed to prevent a State from establishing more stringent

outdoor advertising control requirements along Interstate and Primary Systems than provided herein.

#### § 750.702 Applicability.

The provisions of this subpart are applicable to all areas adjacent to the Federal-aid Interstate and Primary Systems, including toll sections thereof, except that within urban areas, these provisions apply only within 660 feet of the nearest edge of the right-of-way. These provisions apply regardless of whether Federal funds participated in the costs of such highways. The provisions of this subpart do not apply to the Federal-Aid Secondary or Urban Highway System.

#### § 750.703 Definitions.

The terms as used in this subpart are defined as follows:

(a) Commercial and industrial zones are those districts established by the zoning authorities as being most appropriate for commerce, industry, or trade, regardless of how labeled. They are commonly categorized as commercial, industrial, business, manufacturing, highway service or highway business (when these latter are intended for highway-oriented business), retail, trade, warehouse, and similar classifications.

(b) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(c) Federal-aid Primary Highway means any highway on the system designated pursuant to 23 U.S.C. 103(b).

(d) Interstate Highway means any highway on the system defined in and designated, pursuant to 23 U.S.C. 103(e).

(e) Illegal sign means one which was erected or maintained in violation of State law or local law or ordinance.

(f) Lease means an agreement, license, permit, or easement, oral or in writing, by which possession or use of land or interests therein is given for a specified purpose, and which is a valid contract under the laws of a State.

(g) Maintain means to allow to exist.

(h) Main-traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separate roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(i) Sign, display or device, hereinafter referred to as "sign," means an outdoor advertising sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the Interstate or Primary Systems, whether the same be permanent or portable installation.

(j) State law means a State constitutional provision or statute, or an ordinance, rule or regulation enacted or adopted by a State.

(k) Unzoned area means an area where there is no zoning in effect. It does not include areas which have a rural zoning classification or land uses established by zoning variances or special exceptions.

(l) Unzoned commercial or industrial areas are unzoned areas actually used for commercial or industrial purposes as defined in the agreements made between the Secretary, U.S. Department of Transportation (Secretary), and each State pursuant to 23 U.S.C. 131(d).

(m) Urban area is as defined in 23 U.S.C. 101(a).

(n) Visible means capable of being seen, whether or not readable, without visual aid by a person of normal visual acuity.

#### § 750.704 Statutory Requirements.

(a) 23 U.S.C. 131 provides that signs adjacent to the Interstate and Federal-aid Primary Systems which are visible from the main-traveled way and within 660 feet of the nearest edge of the right-of-way, and those additional signs beyond 660 feet outside of urban areas which are visible from the main-traveled way and erected with the purpose of their message being read from such main-traveled way, shall be limited to the following:

(1) Directional and official signs and notice which shall conform to national standards promulgated by the Secretary in Subpart B, Part 750, Chapter I, 23 CFR, National Standards for Directional and Official Signs;

(2) Signs advertising the sale or lease of property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are zoned industrial or commercial under the authority of State law;

(5) Signs within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are unzoned commercial or industrial areas, which areas are determined by agreement between the State and the Secretary; and

(6) Signs lawfully in existence on October 22, 1965, which are determined to be landmark signs.

(b) 23 U.S.C. 131(d) provides that signs in § 750.704(a) (4) and (5) must comply with size, lighting, and spacing requirements, to be determined by agreement between the State and the Secretary.

(c) 23 U.S.C. 131 does not permit signs to be located within zoned or unzoned commercial or industrial areas beyond 660 feet of the right-of-way adjacent to the Interstate or Federal-aid Primary System, outside of urban areas.

(d) 23 U.S.C. 131 provides that signs not permitted under § 750.704 of this regulation must be removed by the State.

#### § 750.705 Effective Control.

In order to provide effective control of outdoor advertising, the State must:

(a) Prohibit the erection of new signs other than those which fall under § 750.704(a) (1) through (6);

(b) Assure that signs erected under § 750.704(a) (4) and (5) comply, at a minimum, with size, lighting, and spacing criteria contained in the agreement between the Secretary and the State;

(c) Assure that signs erected under § 1750.704(a) (1) comply with the national standards contained in Subpart B, Part 750, Chapter I, 23 CFR;

(d) Remove illegal signs expeditiously;

(e) Remove nonconforming signs with just compensation within the time period set by 23 U.S.C. 131 (Subpart D, Part 750, Chapter I, 23 CFR), sets forth policies for the acquisition and compensation for such signs);

(f) Assure that signs erected under § 750.704(a) (6) comply with § 750.710, Landmark Signs, if landmark signs are allowed;

(g) Establish criteria for determining which signs have been erected with the purpose of their message being read from the main-traveled way of an Interstate or primary highway, except where State law makes such criteria unnecessary. Where a sign is erected with the purpose of its message being read from two or more highways, one or more of which is a controlled highway, the more stringent of applicable control requirements will apply;

(h) Develop laws, regulations, and procedures to accomplish the requirements of this subpart;

(i) Establish enforcement procedures sufficient to discover illegally erected or maintained signs shortly after such occurrence and cause their prompt removal; and

(j) Submit regulations and enforcement procedures to FHWA for approval.

#### § 750.706 Sign Control in Zoned and Unzoned Commercial and Industrial Areas.

The following requirements apply to signs located in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way adjacent to the Interstate and Federal-aid primary highways.

(a) The State by law or regulation shall, in conformity with its agreement with the Secretary, set criteria for size, lighting, and spacing of outdoor advertising signs located in commercial or industrial zoned or unzoned areas, as defined in the agreement, adjacent to Interstate and Federal-aid primary highways. If the agreement between the Secretary and the State includes a grandfather clause, the criteria for size, lighting, and spacing will govern only those signs erected subsequent to the date specified in the agreement. The States may adopt more restrictive criteria than are presently contained in agreements with the Secretary.

(b) Agreement criteria which permit multiple sign structures to be considered as one sign for spacing purposes must limit multiple sign structures to signs which are physically contiguous, or connected by the same structure or cross-bracing, or located not more than 15 feet apart at their nearest point in the case of back-to-back or "V" type signs.

(c) Where the agreement and State law permits control by local zoning authorities, these controls may govern in lieu of the size, lighting, and spacing controls set forth in the agreement, subject to the following:

(1) The local zoning authority's controls must include the regulation of size, of lighting, and of spacing of outdoor advertising signs, in all commercial and industrial zones.

(2) The regulations established by local zoning authority may be either more restrictive or less restrictive than the criteria contained in the agreement, unless State law or regulations require equivalent or more restrictive local controls.

(3) If the zoning authority has been delegated extraterritorial jurisdiction under State law, and exercises control of outdoor advertising in commercial and industrial zones within this extraterritorial jurisdiction, control by the zoning authority may be accepted in lieu of agreement controls in such areas.

(4) The State shall notify the FHWA in writing of those zoning jurisdictions wherein local control applies. It will not be necessary to furnish a copy of the zoning ordinance. The State shall periodically assure itself that the size, lighting, and spacing control provisions of zoning ordinances accepted under this section are actually being enforced by the local authorities.

(5) Nothing contained herein shall relieve the State of the responsibility of limiting signs within controlled areas to commercial and industrial zones.

#### § 750.707 Nonconforming Signs.

(a) *General.* The provisions of § 750.707 apply to nonconforming signs which must be removed under State laws and regulations implementing 23 U.S.C. 131. These provisions also apply to nonconforming signs located in commercial and industrial areas within 660 feet of the nearest edge of the right-of-way which come under the so-called grandfather clause contained in State-Federal agreements. These provisions do not apply to conforming signs regardless of when or where they are erected.

(b) *Nonconforming Signs.* A nonconforming sign is a sign which was lawfully erected but does not comply with the provisions of State law or State regulations enacted 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 non-commercial, or signs lawfully erected on a secondary highway later classified as

(c) *Grandfather Clause.* At the option of the State, the agreement may contain a grandfather clause under which criteria relative to size, lighting, and spacing of signs in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way apply only to new signs to be erected after the date specified in the agreement. Any sign lawfully in existence in a commercial or industrial area on such date may remain even though it may not comply with the size, lighting, or spacing criteria. This clause only allows an individual sign at its particular location for the duration of its normal life subject to customary maintenance. Preexisting signs covered by a grandfather clause, which do not comply with the agreement criteria have the status of nonconforming signs.

(d) *Maintenance and Continuance.* In order to maintain and continue a nonconforming sign, the following conditions apply:

(1) The sign must have been actually in existence at the time the applicable State law or regulations became effective as distinguished from a contemplated use such as a lease or agreement with the property owner. There are two exceptions to actual existence as follows:

(i) Where a permit or similar specific State governmental action was granted for the construction of a sign prior to the effective date of the State law or regulations and the sign owner acted in good faith and expended sums in reliance thereon. This exception shall not apply in instances where large numbers of permits were applied for and issued to a single sign owner, obviously in anticipation of the passage of a State control law.

(ii) Where the State outdoor advertising control law or the Federal-State agreement provides that signs in commercial and industrial areas may be erected within six (6) months after the effective date of the law or agreement provided a lease dated prior to such effective date was filed with the State and recorded within thirty (30) days following such effective date.

(2) There must be existing property rights in the sign affected by the State law or regulations. For example, paper signs nailed to trees, abandoned signs and the like are not protected.

(3) The sign may be sold, leased, or otherwise transferred without affecting its status, but its location may not be changed. A nonconforming sign removed as a result of a right-of-way taking or for any other reason may be relocated to a conforming area but cannot be re-established at a new location as a nonconforming use.

(4) The sign must have been lawful on the effective date of the State law or regulations, and must continue to be lawfully maintained.

(5) The sign must remain substantially the same as it was on the effective date of the State law or regulations. Reasonable repair and maintenance of the sign, including a change of advertising message, is not a change which would

terminate nonconforming rights. Each State shall develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights.

(6) The sign may continue as long as it is not destroyed, abandoned, or discontinued. If permitted by State law and recited in kind, exception may be made for signs destroyed due to vandalism and other criminal or tortious acts.

(7) Each State shall develop criteria to define destruction, abandonment and discontinuance. These criteria may provide that a sign which for a designated period of time has obsolete advertising matter or is without advertising matter or is in need of substantial repair may constitute abandonment or discontinuance. Similarly, a sign damaged in excess of a certain percentage of its replacement cost may be considered destroyed.

(8) Where an existing nonconforming sign ceases to display advertising matter, a reasonable period of time to replace advertising content must be established by each State. Where new content is not put on a structure within the established period, the use of the structure as a nonconforming outdoor advertising sign is terminated and shall constitute an abandonment or discontinuance. Where a State establishes a period of more than one (1) year as a reasonable period for change of message, it shall identify that period as a customary enforcement practice within the State. This established period may be waived for an immediate discontinuance such as the closing or a highway for repair in front of the sign.

(9) *Just Compensation.* The States are required to pay just compensation for the removal of nonconforming lawful existing signs in accordance with the terms of 23 U.S.C. 131 and the provisions of Subpart D, Part 750, Chapter I, 23 CFR. The conditions which establish a right to maintain a nonconforming sign and therefore the right to compensation must pertain at the time it is acquired or removed.

#### § 750.708 Acceptance of State Zoning.

(a) 23 U.S.C. 131(d) provides that signs "may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas . . . which are zoned industrial or commercial under authority of State law." Section 131(d) further provides: "The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act."

(b) State and local zoning actions must be taken pursuant to the State's zoning enabling statute or constitutional action which is not a part of comprehensive zoning and is created primarily to permit outdoor advertising structures. It is not recognized as zoning for outdoor advertising control purposes.

(c) Where a unit of government has not zoned in accordance with statutory authority or is not authorized to zone,

the definition of an unzoned commercial or industrial area in the State-Federal agreement will apply within that political subdivision or area.

(d) A zone in which limited commercial or industrial activities are permitted as an incident to other primary land uses is not considered to be a commercial or industrial zone for outdoor advertising control purposes.

**§ 750.709 On-Property or On-Premise Advertising.**

(a) A sign which consists solely of the name of the establishment or which identifies the establishment's principal or accessory products or services offered on the property is an on-property sign.

(b) When a sign consists principally of brand name or trade name advertising and the product or service advertised is only incidental to the principal activity, or if it brings rental income to the property owner, it shall be considered the business of door advertising and not an on-property sign.

(c) A sale or lease sign which also advertises any product or service not conducted upon and unrelated to the business or selling or leasing the land on which the sign is located is not an on-property sign.

(d) Signs are exempt from control under 23 U.S.C. 131 if they solely advertise the sale or lease of property on which they are located or advertise activities conducted on the property on which they are located. These signs are subject to regulation (Subpart A, Part 750, Chapter I, 23 CFR) in those States which have executed a bonus agreement, 23 U.S.C. 131(j). State laws or regulations shall contain criteria for determining exemptions. These criteria may include:

(1) A property test for determining whether a sign is located on the same property as the activity or property advertised; and

(2) A purpose test for determining whether a sign has as its sole purpose the identification of the activity located on the property or its products or services, or the sale or lease of the property on which the sign is located.

(3) The criteria must be sufficiently specific to curb attempts to improperly qualify outdoor advertising as "on-property" signs, such as signs on narrow strips of land contiguous to the advertised activity when the purpose is clearly to circumvent 23 U.S.C. 131.

**§ 750.710 Landmark Signs.**

(a) 23 U.S.C. 131(c) permits the existence of signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which is consistent with the purpose of 23 U.S.C. 131.

(b) States electing to permit landmark signs under 23 U.S.C. 131(c) shall submit a one-time list to the Federal Highway Administration for approval. The list should identify each sign as being in the original 1966 inventory. In the event a sign was omitted in the 1966 inventory, the State may submit other evidence to support a determination that the sign was in existence on October 22, 1965.

(c) Reasonable maintenance, repair, and restoration of a landmark sign is permitted. Substantial change in size,

lighting, or message content will terminate its exempt status.

**§ 750.711 Structures Which Have Never Displayed Advertising Material.**

Structures, including poles, which have never displayed advertising or informative content are subject to control or removal when advertising content visible from the main-traveled way is added or affixed. When this is done, an "outdoor advertising sign" has then been erected which must comply with the State law in effect on that date.

**§ 750.712 Reclassification of Signs.**

Any sign lawfully erected after the effective date of a State outdoor advertising control law which is reclassified from legal-conforming to nonconforming and subject to removal under revised State statutes or regulations and policy pursuant to this regulation is eligible for Federal participation in just compensation payments and other eligible costs.

**§ 750.713 Bonus Provisions.**

23 U.S.C. 131(j) specifically provides that any State which had entered into a bonus agreement before June 30, 1965, will be entitled to remain eligible to receive bonus payments provided it continues to carry out its bonus agreement. Bonus States are not exempt from the other provisions of 23 U.S.C. 131. If a State elects to comply with both programs, it must extend controls to the Primary System, and continue to carry out its bonus agreement along the Interstate System except where 23 U.S.C. 131, as amended, imposes more stringent requirements.

[FR Doc. 75-24523 Filed 9-15-75; 9:45 am]

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 8, 1988

SUBJECT: Outdoor political advertising  
(Work Order No. 5-0633)

TO: Representative Steve Frank

FROM: Richard A. Bradley  
Legislative Counsel 

Rick Solie has requested a sectional analysis of the above described bill.

As a preliminary matter, note that a sectional analysis or summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 amends AS 15.25.030(b). It provides that at the same time that a candidate for the elective political office files a declaration of candidacy, the candidate will file a statement prepared by the Department of Transportation and Public Facilities that the candidate is familiar with the provisions of law regulating "outdoor political advertising."

Section 2 of the bill adds a new Sec. 19.25.115. Sec. 19.-25.115(a) provides that a candidate or group may place advertising on private property so long as the private property is not within the zone where advertising is prohibited under AS 19.25.105(a): "within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate, primary, or secondary highways in this state".

Section 19.25.115(b) directs the Department of Transportation and Public Facilities to remove summarily posters or signs erected in violation of AS 19.25.105(a) and bill the

Representative Steve Frank

Page 2

February 8, 1988

candidate or group named on the poster or sign for its actual costs from the removal.

Section 3 amends AS 19.25.130, PENALTY FOR VIOLATION. The amendment leaves the existing penalty (\$50 to \$1,000) in place for existing violations of the section covered. It signals that there is a different penalty for a violation of Sec. 19.25.115.

Section 4 establishes a new Sec. 19.25.130(b). The section adds a new penalty of \$250 to \$1,000 for a violation of the new section on political advertising, Sec. 19.25.115.

Section 5 of the bill amends AS 19.25.150 to carve out from the application of this section the political advertising; the political advertising is covered under Sec. 19.25.115 added at bill sec. 2.

Section 6 of the bill amends AS 19.25.160(1). The existing law section defines "outdoor advertising." The amendment to the definition excludes political advertising.

The bill contains no effective date clause. It is, therefore, effective 90 days after enactment. Art. II, sec. 18, Alaska Constitution.

RAB;bb  
wkb2/058

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: House Bill No. 448  
PUBLISH DATE:

REQUEST: FISCAL NOTE

Revision Date:  
Title: Act relating to outdoor advertising

Agency Affected: DOT&PF  
BRU: Engineering and Operations Standards

Spncsor: Frank, Miller, Boyer, Davis, Sund, and Brown  
Requestor: CATO

Components:

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTURAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

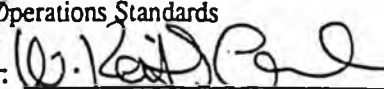
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Sec. 2. (b) of this bill should reduce general fund expenditures.

Prepared by: Milton F. Lentz  
Division: Engineering and Operations Standards

Phone: 465-2985  
Date: 3/4/88

Approved by Commissioner:   
Agency: Department of Transportation and Public Facilities

Date: \_\_\_\_\_

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

# HOUSE COMMITTEE REPORT

(7)

Date referred: 2/10/88

FURTHER REFERRALS:

Judiciary  
Finance

DATE: March 9, 1988

The Transportation Committee has considered HB 448

"An Act relating to outdoor political advertising."

**RECOMMENDS:**

- replace with CS HB 448 (Trsp)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

Mike Miller

Heinrich Sprunger

**SIGNING OTHER RECOMMENDATIONS:**

Bill Gads - No Rec.

It's all over - No Rec.

Bette Cato - No Rec.

Bette Cato

Chairman's signature