

SB

4

Alaska State Legislature



House of Representatives

Committee on Transportation

Rep. Bette Cato, Chairman

Pouch V
State Capitol
Juneau, Alaska 99811
(907) 465-4858

March 25, 1987

FOR TODAY'S MEETING YOU HAVE:

A FOLDER ON CS SB 4 THAT INCLUDES:

- * a copy of the committee substitute for SB 4 from State Affairs
- * a copy of the House Committee Substitute for CS SB 4 from State Affairs
- * a zero fiscal note from DOT/PF
- * an excerpt from the statutes impacted by CS SB 4
- * background information and a sectional analysis from Sen. Fahrenkamp's office
- * a copy of the House Committee Report from House State Affairs
- * a letter from the Fairbanks North Star Borough Mayor
- * a letter from Mr. Lawrence G. Wilson

A

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: February 2, 1987
 Revision Date: February 13, 1987
 Title: An Act relating to Outdoor Advertising
 Sponsor: _____
 Requestor: Fahrenkamp

Bill Version: CS for Senate Bill No.
 Publish Date: _____
 Agency Affected: Transportation & Public Facilities
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

There is no fiscal impact to the Department.

Prepared by: Milton W. Lentz *2/13/87*
 Division: Engineering & Operations Standards

Phone: 465-2985
 Date: 2/13/87

Approved by Commissioner: [Signature]
 Agency: Transportation & Public Facilities

Date: 2/17/87

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

Alaska Statutes

Title 19. Highways and Ferries.

Editor's notes. — Section 9, Executive Order No. 39 (1977) provides: "(a) The Department of Transportation and Public Facilities is vested with the duties and powers formerly held by the Department of Public Works relating to planning, construction, maintenance and operation of transportation facilities, including state ferries, airports and water and harbor facilities, and for design and construction of buildings and appurtenant structures, and specifically including all powers and duties formerly held by the Department of Public Works under AS 02, AS 30.05, AS 30.15, AS 35, AS 41.20 and AS 44.65.

"(b) The Department of Transportation

and Public Facilities is vested with the duties and powers formerly held by the Department of Highways relating to planning, construction, maintenance and operation of state transportation facilities including state highways, roads, bridges, traffic signs and signals, the supervision and maintenance of state automotive and mechanical equipment, the control of outdoor advertising visible from state highways and all other duties and powers of the Department of Highways, and specifically including powers and duties formerly held by the Department of Highways under AS 19, AS 28.01, AS 28.05, and AS 44.57 [repealed]."

Chapter

- 05. Administration (§§ 19.05.010 — 19.05.140)
- 10. State Highway System (§§ 19.10.010 — 19.10.260)
- 15. Financial Provisions (§§ 19.15.010 — 19.15.040)
- 17. Littering (Repealed)
- 20. Cooperation by and with the State (§§ 19.20.010 — 19.20.090)
- 22. Landscaping and Scenic Enhancement (§§ 19.22.010 — 19.22.030)
- 25. Protection and Use of State Highways and Roads (§§ 19.25.010 — 19.25.250)
- 27. Junk Yards (§§ 19.27.010 — 19.27.140)
- 30. Access Roads (§§ 19.30.010 — 19.30.251)
- 35. Relocation Assistance (Repealed)
- 40. James Dalton Highway (§§ 19.40.010 — 19.40.210)
- 45. Miscellaneous Provisions (§§ 19.45.001 — 19.45.015)
- 60. Ferry Terminal Facilities (§§ 19.60.010 — 19.60.070)
- 65. Alaska Marine Highway System (§§ 19.65.010, 19.65.020)

Chapter 05. Administration.

Article

- 1. Department of Transportation and Public Facilities (§§ 19.05.010 — 19.05.070)
- 2. Acquisition of Property (§§ 19.05.080 — 19.05.122)
- 3. General Provisions (§§ 19.05.125 — 19.05.150)

Legislative history reports. — For report on ch. 233, SLA 1968 (HCSCSSB 144 am FCC), see 1968 House Journal, p. 815.

Collateral references. — 40 Am. Jur. 2d, Highways, Streets and Bridges, §§ 273-336.

40 C.J.S., Highways, §§ 217, 232. Billboards and other outdoor advertising signs as civil nuisance. 38 ALR3d 647.

Sec. 19.25.090. Outdoor advertising prohibited. Except as provided in AS 19.25.105, all outdoor advertising is prohibited. (§ 3 ch 59 SLA 1949; am § 1 ch 86 SLA 1953; am § 2 ch 155 SLA 1970)

Sec. 19.25.100. Rural signs.

Repealed by § 14 ch 155 SLA 1970.

Editor's notes. — The repealed section derived from § 4, ch. 59, SLA 1949; § 1, ch. 86, SLA 1953; § 9, art. VII, title II, ch. 152, SLA 1957.

Sec. 19.25.105. Limitations of outdoor advertising signs, displays and devices. (a) No outdoor advertising may be erected or maintained 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 except the following:

(1) directional and other official signs and notices which include, but are not limited to, signs and notices pertaining to natural wonders, scenic and historic attractions, which are required or authorized by law, and which shall conform to federal standards for interstate and primary systems;

(2) signs, displays and devices advertising the sale or lease of property upon which they are located or advertising activities conducted on the property;

(3) signs determined by the state, subject to concurrence of the United States Department of Transportation, 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 provisions of this chapter;

(4) directional signs and notices pertaining to schools.

(b) Repealed by § 21 ch 94 SLA 1980.

(c) No outdoor advertising may be erected or maintained beyond 660 feet of the nearest edge of the right-of-way of the main traveled way of the interstate primary or secondary highways in this state with the purpose of their message being read from that travel way except those outdoor advertising signs, displays or devices allowed under (a) of this section. (§ 3 ch 155 SLA 1970; am §§ 1, 2 ch 195 SLA 1975; am § 1 ch 30 SLA 1980; am § 21 ch 94 SLA 1980)

Effect of amendments. — The first 1980 amendment added paragraph (4) of subsection (a). The second 1980 amendment repealed subsection (b).

CSSB 4 An Act relating to outdoor advertising by Senator Fahrenkamp

Background

Commercial advertising is commonly found on the sides of buses and on bus shelters and bus benches along bus routes within municipal right of ways. Typically, an advertising firm will supply the benches and shelters at no cost to the municipality in return for the privilege of placing them at bus stops and along bus routes and selling advertising space on them. In this manner a public need and convenience is fulfilled at no cost to government.

However, under existing state law, DOT/PF cannot allow such transit related advertisement to be placed near state right of ways along interstate, primary, and secondary highways. There are strict state and federal restrictions on advertising along roadways, dating back to the federal Beautification Act and the Federal Aid Highway Act. The Federal Highway Administration is responsible for enforcing the laws and regulations pertaining to outdoor advertising. The Highway Administration has approved bench and shelter advertising along federal aid highways in those states that authorize it. FHWA recognized that this form of advertising is an attractive fiscal proposition for local governments and in the interest of promoting mass transit as a way of making it more convenient and thus more appealing.

Purpose

CSSB 4 amends AS 19.25.105 LIMITATIONS ON OUTDOOR ADVERTISING to include a new exception to allow advertising along state right-of-ways on bus benches and bus shelters. Current law does not make an exception for this form of advertising.

Sectional Analysis

Section 19.25.105 LIMITATIONS ON OUTDOOR ADVERTISING Subsection (a) is reworded to state the limitation in a more clear manner.

Subsection (a)(5) is added to allow "advertising on bus benches or bus shelters if the state determines that the advertising conforms to state and federal standards for interstate and highway systems." Standards will be set by DOT/PF to insure conformity with federal requirements so no federal funding would be in jeopardy.

Provided by Senator Fahrenkamp's Office 3/11/87

HOUSE COMMITTEE REPORT

(7)

Date referred: 3/2/87

FURTHER REFERRALS: Transportation

DATE: 3-13-87

The State Affairs Committee has considered CSSB 4(SA)
"An Act relating to outdoor advertising."

RECOMMENDS:

- HCS* *(SA)*
 replace with CS SB 4 ~~()~~ 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:

[Signature]

[Signature]

[Signature]

[Signature]

SIGNING OTHER RECOMMENDATIONS:

[Signature]

 Chairman's signature



Fairbanks North Star Borough

Mayor: Juanita Helms

February 3, 1987

Senator Mitch Abood
Chairman
Senate State Affairs Committee
Room 423, Capitol Building
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

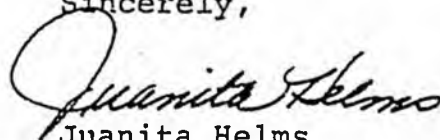
Dear Senator Abood:

I support and urge the Alaska State Legislature to pass SB4, "An Act Relating to Outdoor Advertising".

A private enterprise is presently providing bus benches and bus shelters to the residents of the borough who use public transportation. This is a service used and appreciated by bus riders borough-wide. It is also a service that the borough government would not be able to provide.

I whole-heartedly support the concept of the public and private sectors collaborating to provide additional services to the public and additional opportunities for private enterprise to be successful. Passage of SB4 will allow this collaboration to continue.

Sincerely,


Juanita Helms
Borough Mayor

Lawrence G. Wilson
P.O. Box 876485
Wasilla, AK 99687

4

To: House State Affairs Committee

Re: Senate Bill #4

In reference to Senate Bill No. 4 relating to outdoor advertising, it seems very ironic to me that we hear from our Governor and legislators how important it is for us to develop alaskan owned and operated businesses, especially tourism related businesses, and then we hear of a bill which appears to be designed to stifle the single most important source of revenue producing advertising for these businesses.

There are numerous, off the road, attractions, recreational opportunities, and services that the highway traveler can take advantage of, if they are aware of their existence.

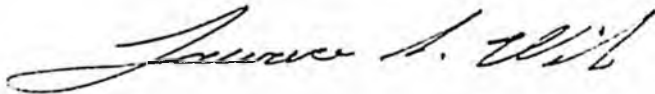
This bill will seriously damage existing lodges, campgrounds, RV parks, restaurants, recreational areas, guides, charter operators, resorts, gas stations etc. that are a little off the beaten path and rely in large part on highway advertising.

The expansion, development, and survival of alaskan owned businesses, particularly in tourism, which brings in outside revenue to the state should be promoted and supported by the state government.

In this light, a bill making state right of ways and highway easements available to alaskan businesses for the purpose of advertising would be more logical, appropriate, and consistent with state policy.

I don't think that the full implications of this bill have been considered. In my opinion, the passage of this bill would be a direct attack on the small alaskan business person.

Sincerely,



Lawrence G. Wilson

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. TRANS.

3-25-87

1:30 p.m.

HOUSE COMMITTEE REPORT

(7)

Date referred: 3/16/87

FURTHER REFERRALS:

DATE: March 25, 1987

The Transportation Committee has considered CSSB 4(SA)

"An Act relating to outdoor advertising."

RECOMMENDS:

- replace with HCS CSSB 4(SA) 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

John Springer

Wm. R. ...

Ch. L. ...

Bette Cato

SIGNING OTHER RECOMMENDATIONS:

Bette Cato
Chairman's signature

