

SB

4

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of JAN. 28, 1987 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: TRANSPORTATION

**FISCAL NOTE(S) ATTACHED 1 **
IN ACCORDANCE WITH AS 24.08.035
(see below)

1/19/87

DATE TURNED INTO OFFICE 2/9/87

Mr. President:

STATE AFFAIRS Committee considered SB 4

relating to outdoor advertising.

and recommended:

replace with CS SB 4 (STATE AFFAIRS) same title
 attached amendment(s) and new title

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]
[Signature]

[Signature]
Chairman signature and recommendation

Committee Backup Attached

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: February 2, 1987

Bill Version: Senate Bill No. 4
Publish Date: _____

Revision Date: _____
Title: An Act relating to outdoor advertising
Sponsor: Fahrenkamp
Requestor: Abood

Agency Affected: DOT&PF
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- |
| CAPITAL | | -0- | -0- | -0- | -0- | -0- |
| REVENUE | | -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. Revenues received from franchise should offset departmental expenditures.

Milton H. Lentz 2/3/87

Prepared by: Milton H. Lentz
Division: Engineering & Operations Standards

Phone: 465-2985
Date: 2/3/87

Approved by Commissioner: *Robert A. ...*
Agency: Transportation and Public Facilities

Date: _____

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

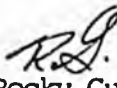


Dept. of Transportation & Public Facilities

Position Paper

BILL NO: Senate Bill No. 4

TITLE: An Act relating to outdoor advertising

APPROVED: 
Rocky Gutierrez
Commissioner
DATE: February 3, 1987

The intent of Senate Bill No. 4 under paragraph (3) would allow advertising on bus benches or bus shelters if the State determines that advertising would not impair or inhibit the free flow of traffic.

The language of Senate Bill No. 4, however, excludes the words...and visible from the main-traveled way...from Sec. 19.25.105(a) which are present in the existing statutes and a part of the federal regulations. Federal laws 23 U.S.C 101(a) (the urban area definition) and 23 U.S.C. 131 (the Act) and Federal Regulation 23 CFR Subpart G, which provide distance requirements affecting commercial signs are very explicit. In summary, such signs are currently controlled within 660 feet of the highway right of way designated urban areas. Outside of urban areas, signs are controlled to limits of visibility.

Paragraph (3)(b) implies that outdoor advertising may not be erected or maintained beyond 660 feet of the nearest edge of the right of way of an interstate, primary or secondary highway if the outdoor advertising impairs or inhibits the free flow of traffic. This language does not conform to the federal regulations and may jeopardize federal-aid funding.

Although the Federal Highway Administration has changed its position on outdoor advertising to allow advertising on transit-related facilities, we must bear in mind that this change in State statutes would require specific requirements for the control of such advertising to meet federal requirements.

The Department does not object to transit-related outdoor advertising providing it furnishes a public service. It is, however, the Department's position that additional consideration should be given to the language used in establishing distance requirements for the control of outdoor advertising or signs.

SB 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 within or 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 Aid Highway Act and the federal Beautification Act. The Federal Highway Administration is responsible for enforcing the laws and regulations pertaining to outdoor advertising. The Administration has allowed other states to permit transit related advertising along federal aid highways. 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

SB 4 rewrites AC 19.25.105 LIMITATIONS ON OUTDOOR ADVERTISING to include a new exception to allow advertising in or along state right-of-ways on bus benches and bus shelters. Current law does not make an exception for this form of advertising. The proposed Section 105 also incorporates new language suggested by Legal Services to clarify existing statutes.

Sectional Analysis

Section 19.25.105 LIMITATIONS ON OUTDOOR ADVERTISING

(a) Notwithstanding the exceptions below in (a)(1) to (a)(3), outdoor advertising is prohibited within 660 feet of the right of way.

Existing law would allow ads within 660 feet that are not visible from the main highway, plus certain exceptions similar to ones maintained in this proposal. Under this new subsection (a), signs that are not visible from the main highway would be prohibited.

(a)(1) Combines previous subsections (a)(1), (a)(3), and (a)(4).

(a)(2) Changes "signs, displays and devices" to "signs".

SB 4 continued

(a)(3) This is the new subsection that contains the crux of the bill's purpose. As long as advertising on bus benches or bus shelters would not "impair or inhibit" the free flow of traffic and conform to federal standards as would be required by subsection (c), they would be allowed in or along the right of ways of interstate, primary, or secondary highways.

(b) This subsection deals with signs beyond 660 feet of the nearest edge of a right-of-way. Previous law prohibited signs "with the purpose of their message being read from that travel way". The new subsection simply says "impairs or inhibits the free flow of traffic."

(c) This subsection requires that all advertising conform to federal standards. This requirement was found only in previous statute subsection (a)(1).

Provided by Senator Fahrenkamp's office



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

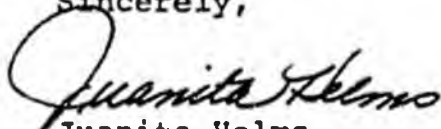
Dear Senator Abood:

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

Original sponsor: Fahrenkamp

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 4 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to outdoor advertising."

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

8 * Section 1. AS 19.25.105(a) is amended to read:

9 (a) Outdoor [NO OUTDOOR] advertising may not be erected or
10 maintained within 660 feet of the nearest edge of the right-of-way and
11 visible from the main-traveled way of the interstate, primary, or
12 secondary highways in this state except the following:

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

18 (2) signs, displays, and devices advertising the sale or
19 lease of property upon which they are located or advertising activi-
20 ties conducted on the property;

21 (3) signs determined by the state, subject to concurrence
22 of the United States Department of Transportation, to be landmark
23 signs, including signs on farm structures, or natural surfaces, of
24 historic or artistic significance, the preservation of which would be
25 consistent with the provisions of this chapter;

26 (4) directional signs and notices pertaining to schools;

27 (5) advertising on bus benches or bus shelters if the state
28 determines that the advertising conforms to state and federal stan-
29 dards for interstate and primary highway systems.