

SB

1977

**FISCAL NOTE**

**STATE OF ALASKA**  
**1991 LEGISLATIVE SESSION**

**BILL NO.** SB 197

Revision Date: 4/23/91 Department Affected: DOTPF  
 Title: An Act Relating to Outdoor Advertising BRU: \_\_\_\_\_  
 Sponsor: Senate Transportation Comm. Component: \_\_\_\_\_  
 Requestor: Senate Transportation Comm. COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS. CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

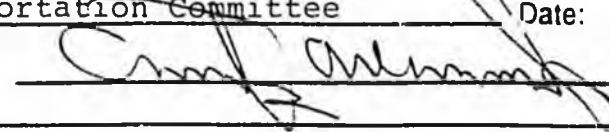
GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Johanna Munson Phone: 465-2679  
 Division: Senate Transportation Committee Date: 4/23/91  
 Approved by Commissioner:  Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).



# Alaska State Legislature

SENATOR DICK SHULTZ

P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4940  
Home: P.O. Box 487  
Tok, Alaska 99780

Member  
Finance Committee  
Transportation Committee  
Special Committee on Oil & Gas

Senate  
District J

## MEMORANDUM

District 17

ALCAN BORDER  
ANDERSON  
BIG DELTA  
BOUNDARY  
CANTWELL  
CHICKEN  
CHISTOCHINA  
CLEAR  
COPPER CENTER  
DELTA JUNCTION  
DENALI PARK  
DOT LAKE  
DRY CREEK  
EAGLE  
EAGLE VILLAGE  
GAKONA  
GLENNALLEN  
GULKANA  
HEALY  
HEALY LAKE  
KENNY LAKE  
MENDELTONA  
MENTASTA LAKE  
NABESNA  
NELCHINA  
NENANA  
NORTHWAY  
PAXSON  
SLANA  
TANACROSS  
TAZLINA  
TETLIN  
TOK  
TOLSONA  
TONSINA

TO: ALL SENATORS  
FROM: SENATOR DICK SHULTZ  
DATE: MARCH 12, 1991  
RE: OUTDOOR ADVERTISING

\*\*\*\*\*

I have introduced legislation to correct a problem which has caused great conflicts along the road system in this state.

As most of you know Alaska is required to abide by very strict federal laws regarding the placing of signs along highways outside the organized areas.

Boroughs and cities are able to pass local ordinances at variance with the so called "Lady Bird" laws but we in the unorganized areas can not. Can you imagine being a business on a second class road and having to put your sign over two hundred feet from center line? Sound ridiculous? Federal law does not require it. State regulations do.

Obviously we can not change federal law, however in those few instances where our state laws are more restrictive than the federal statutes, we can in fact, gain a little breathing room.

District 18

BADGER ROAD  
EIELSON/MOOSE CREEK  
NEWBY  
NORTH POLE  
PLACK  
RICHARDSON  
SALCHA

The bill I have introduced will mandate that the state adopt federal standards where they are less stringent then our present regulations. It is very important for those of us in the unorganized areas and I ask for your support.

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

### MEMORANDUM

March 4, 1991

**SUBJECT:** Sectional Summary of Work Order No. 7LS0728; An Act relating to outdoor advertising

**TO:** Senator Dick Shultz

**FROM:** George Utermohle *GU*  
Legislative Counsel

This memorandum is a sectional summary of Work Order 7LS0728.

A sectional summary of a bill is not an authoritative interpretation of a bill. The bill itself is the best statement of its contents.

Section 1 of the bill adds a new section to AS 19.25 relating to outdoor advertising. Outdoor advertising is permitted outside of the right-of-way of highways in the state, except as otherwise required for participation in federal aid highway programs. The Department of Transportation and Public Facilities is to seek all exemptions for outdoor advertising available under federal aid highway programs. The department shall adopt regulations to implement the outdoor advertising laws of AS 19.25.091 - 19.25.180.

Sections 2 - 4 of the bill contain technical amendments to internal cross references to statutory sections relating to the regulation of outdoor advertising. The definition of "department" was deleted from AS 19.25.160 because the definition is unnecessary as the term is already defined in AS 19.45.001.

Section 5 of the bill repeals statutory sections relating to the current policy for regulating outdoor advertising and prohibitions and other restrictions on outdoor advertising adjacent to the right-of-way of highways in the state.

GU:mi  
91-043.mai



## SOUR DOUGH ROADHOUSE

1/2 Mile 147.5 Richardson Hwy.

P.O. Box 4

Gakona, Alaska 99586

2-19-91

Dear Mr. Schultz:

As per our conversation this AM., I am enclosing the letter sent to us by the D.O.T. Needless to say, we were quite disappointed with their decision.

It is true that we have historical signs on the highway, but it is hard to see the lodge in the summer because of foliage - and we miss lots of traffic because of the fact that they don't realize we are an open business.

I'm also wondering if the Design & Construction Section took into account that the highway is quite elevated from the lodge & makes it quite hard to see from either direction.

Why is the state so reticent to put up signs for small businesses? They not only help us, but also the traveling public.

The D.O.T. suggests we can put up our own sign 150' from the highway centerline. Due to the fact we are in a bowl & there is a hillside to contend with, we would require the services of the Goodyear blimp & a very large bank. (The blimp probably the easier of the two)

Again, we wish to thank you, no matter what the outcome. And to think a senator returns calls to his constituents. Well, you've our continuing vote.

Sincerely  
Jim & Mardele Ruedel

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

MAINTENANCE & OPERATIONS

SOUTH CENTRAL DISTRICT

WALTER J. HICKEL, GOVERNOR

P.O. BOX 507  
VALDEZ, ALASKA 99686  
PHONE 835-4322

January 11, 1990

Jim Rickle  
Sourdough Lodge  
Mile 147.5  
Gakona, Alaska 99586

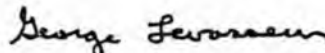
Dear Mr. Rickle:

I have looked into your request for Food, Phone, Lodging signs at Sourdough Lodge. When the road was reconstructed through the Sourdough area, the decision was made by our Design and Construction Section that these signs were not required. Signs identifying Sourdough Roadhouse with its historical significance were installed well in advance on each side of the lodge.

If you desire, you could install a sign on your own premises, 150' from the centerline of the highway. This would give your business additional attention while still being in compliance with State and Federal laws.

The Department's position still remains that we are not obligated to install Food, Phone, Lodging signs for your business establishment.

Sincerely,



George Levasseur  
District Manager

mmw

cc: George Herrman, Area Manager, Tazlina  
John Horn, Regional Director, Fairbanks

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### MEMORANDUM

February 21, 1991

**SUBJECT:** Regulation of outdoor advertising (W.O. No. 7-LS0728)

**TO:** Senator Dick Shultz

**FROM:** George Utermohle *GU*  
Legislative Counsel

This memorandum is in response to the query of Dave Stancliff of your staff as to whether state statutes regulating outdoor advertising along state highways are more restrictive than required by the federal government for participation in the federal aid highway program.

A state may establish restrictions on outdoor advertising that are more restrictive than those required under the federal law. 23 U.S.C. 131(k). The state statutes regulating outdoor advertising on state highways are more restrictive than required for participation in the federal aid highway program in two significant areas.

First, AS 19.25.090 prohibits all outdoor advertising on federal aid interstate, primary, and secondary highways and other state roads, except as permitted under AS 19.25.-105. The federal statute only requires that outdoor advertising be controlled in areas adjacent to the federal aid interstate and primary highways. 23 U.S.C. 131. Under AS 19.25.105(a) the following kinds of outdoor advertising are permitted, but only adjacent to federal aid interstate, primary, and secondary highways in the state:

(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 AS 19.25;

(4) directional signs and notices pertaining to schools;

(5) advertising on bus benches or bus shelters if the state determines that the advertising conforms to local, state, and federal standards for interstate and primary highway systems.

These kinds of outdoor advertising are substantially similar to those permitted by the federal statute: directional and official signs; signs advertising the sale or rent of the property on which the sign is located, signs advertising activities conducted on the land on which the sign is located; and certain signs in existence in 1965 that are determined to be landmark signs. 23 U.S.C. 131(c)(1)-(4). The federal statute does permit one additional kind of outdoor advertising that is not permitted under the state statute: signs advertising the distribution of free coffee by nonprofit organizations to travellers on the interstate and primary highways. 23 U.S.C. 131(c)(5).

Second, the federal statute does allow outdoor advertising that is otherwise consistent with the purposes of the federal statute to be erected and maintained within 660 feet of the right-of-way of federal aid interstate and primary highways in areas that are zoned as industrial or commercial or that are unzoned industrial or commercial areas approved by the Secretary of Transportation. 23 U.S.C. 131(d). The state law does not contain a similar exemption for outdoor advertising in commercial and industrial areas.

The federal law also permits certain signs that were lawfully erected prior to May 6, 1976 to be maintained in certain specific areas even though they are not in compliance with federal standards, if (1) the signs provide directional information about goods and services in the interest of the travelling public, (2) removal of the sign would cause a substantial economic hardship in the area, and (3) the Secretary of Transportation approves the continued maintenance of the signs. 23 U.S.C. 131(o). It is probably too late to enact an exception to the state statute that takes advantage of this provision of the federal law, because the eligible signs should no longer exist. The applicability of this provision to Alaska has been mooted during the last 15 years in which the state has prohibited the existence of any signs that could have otherwise qualified; however it is another example of how the state statute is more restrictive than the federal law.

The provisions mentioned above make the state law on outdoor advertising more restrictive than necessary to comply with federal law. However, relaxing the state law so that it is not more restrictive than the federal law may not completely solve the problems associated with outdoor advertising in Alaska. The federal law on outdoor advertising addresses outdoor advertising only in the area adjacent to the highway right-of-way and not within the highway right-of-way. The rights-of-way of highways in the state varies from just the width of the travelled surface to more than 100 feet. In many areas of the state it is not practical to place outdoor advertising adjacent to the right-of-way because brush in the right-of-way or topography of the area would obscure the sign. The only alternative is to place the outdoor advertising in the right-of-way, however outdoor advertising within the right-of-way of federal aid interstate,

Senator Dick Shultz  
February 21, 1991  
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primary, and secondary highways is virtually prohibited because it is considered an encroachment on the right-of-way. 23 C.F.R. 712.203(b). Encroachments on the right-of-way of federal aid highways are permitted only on a case-by-case basis. 23 C.F.R. 713.204.

Outdoor advertising in and adjacent to the right-of-way of nonfederal-aid roads in the state is not subject to the federal law on outdoor advertising so the state is free to adopt those standards for those roads that the state considers appropriate.

If I may be of further assistance, please advise.

GU:pl  
91-101.plm