

**SB**

**157**

# Alaska State Legislature

STEVE FRANK

119 N. Cushman, Rm. 213  
Fairbanks, Alaska 99701  
(907) 452-3421



Senate

White in Juneau  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3709  
Capitol Rm. 417

## SPONSOR STATEMENT FOR CS SB 157

**TO:** Senator Bert Sharp, Chairman  
Senate Transportation Committee

**FROM:** Senator Steve Frank, Co-Chairman  
Senate Finance Committee

**DATE:** 9 February, 1994

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Senate Bill 157 would allow certain restricted exceptions to the State's limitations on outdoor advertising, thereby addressing the need for improved directional signage to accommodate the State's travelling public.

These changes would facilitate efforts by roadside businesses to direct motorists to available services and products. In response to suggestions made by members of the Senate Transportation Committee last session, I have drafted a CS for the consideration of the committee.

This CS for SB 157 would allow one new exception to the State limitation on outdoor advertising signs, displays and devices; directional signs could be placed in zoned/unzoned commercial or industrial areas along a State highway, subject to stringent restrictions. The draft bill would also codify two existing DOT/PF programs in statute: the airspace leasing program and the TODS (Tourist Oriented Directional Signing) program.

The changes proposed by CS SB 157 would help many small business owners while not negatively impacting the scenery visible from Alaska's highways. I strongly encourage your support for this bill.

STEVE FRANK

119 N. Cushman, Rm. 213  
Fairbanks, Alaska 99701  
(907) 452-3421

# Alaska State Legislature



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

## Senate

**SUBJECT:** Sectional Summary of CS SB 157

**TO:** Senator Steve Frank

**FROM:** David Skidmore

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In conformity with federal law as found in 23 U.S.C. 131, Section 1 of the Bill amends AS 19.25.105(a) to allow one additional exception to the State prohibition on outdoor advertising **within 660 feet** of a highway right-of-way. This exception would allow directional signage to be placed in zoned/unzoned industrial or commercial areas along a State highway if it meets the following criteria:

- \* It must be for an individual business entity that is of significant interest to the traveling public as evidenced by documentation that at least 75 percent of the entity's gross business receipts are from motorists residing more than 20 miles from the business;
- \* Each business is limited to four or fewer off-premises signs;
- \* Each sign must be located on private property;
- \* Each sign must provide directional information;
- \* Each sign must indicate the specific business entity;
- \* Each sign must be located within 50 miles of the physical location of the business entity; and
- \* Each sign must not exceed 8 feet by 12 feet in size.<sup>1</sup>

Section 2 of the Bill amends AS 19.25.105(d) to allow two additional exceptions to the State prohibition on outdoor advertising **within the right-of-way** of a State highway. Both of these new exceptions codify existing DOT/PF programs. The language added in Paragraph (2) establishes a statutory basis for the department's airspace leasing program. The language added in Paragraph (3) establishes a statutory basis for the federally designed TODS (Tourist Oriented Directional Signing) program.

Section 3 of the Bill repeals and reenacts AS 19.25.180 to provide for the right of a municipality to enact more restrictive ordinances to control outdoor advertising, notwithstanding AS 19.25.091 - 19.25.180, except that a

<sup>1</sup> By way of comparison, the maximum size allowed under the Federal-State Outdoor Advertising Agreement is a total area of 650 square feet with a maximum height of 20 feet and maximum length of 50 feet.

municipality may not further restrict directional signage allowed in zoned/ unzoned commercial or industrial areas.

Section 4 of the Bill amends AS 19.45.002 to exempt unlawful advertising from the penalty provisions pertaining to AS 19.05 - AS 19.25.

Section 5 of the Bill annuls 17 AAC 20.010 to allow for the operation of both the airspace leasing program and the TODS program.



# TED SMITH

Matanuska-Susitna Borough Assembly  
District 7

March 14, 1993

Senator Steve Frank  
P. O. Box V  
Juneau, AK. 00688

Dear Senator Frank:

I was pleased to see you file SB 157 "Prohibited Highway Advertising". Though this bill has limited impact its passage is very important to those in the tourism industry who will be affected by it. I hope you will be able to get either it or HB 26 through the legislature this season. I expect the DOT to continue its policy of tearing down non-conforming signs in advance of construction in the absence of this legislation.

I had hoped that control of political and other advertising in the right-of-way could be addressed in the same bill but I was told by DOT officials that the Federal Highway Administration would not permit use of the ROW without an "air-space" lease (which oddly enough includes the ground under the air by definition). State law (AS 19.25.200) allows issuance of a right-of-way encroachment permit and I felt that a temporary permit allowing placement of political signs with a bond to ensure removal would solve a long-standing problem. Again, I was told that FHA would not allow a permit.

When I researched Federal law, I found language that said the state could "permit or lease" right of way. Two weeks ago, I wrote Jeff Ottesen of DOT asking for a clarification of this apparent contradiction. I have received no answer to date. You might wish to pose the same question.

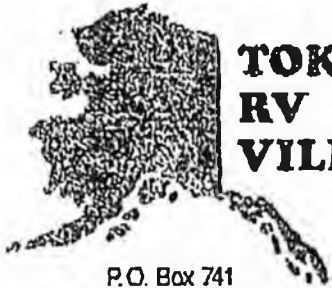
Please let me know if I can assist you in any way. I should add that I am not in the tourism business nor am I affected by the bill, but many of my constituents are.

Yours truly,

Ted Smith

cc: Sen. Halford  
Sen. Kertulla  
Rep. Menard

RECEIVED MAR 17 1993



**TOK  
RV  
VILLAGE**

P.O. Box 741  
Tok, Alaska 99780  
Phone (907) 883-5877  
(800) 478-5878 In Alaska  
Fax (907) 883-5878

March 22, 1993

Senator Steve Frank  
Attn: David

Tok RV Village, Inc. wants to extend our support for SB 157. The relief that this bill will give in regards to outdoor advertising along our road system is very much encouraged.

Tok RV Village opened for business in 1986. From 1986 to 1991 we saw our highway traffic decline. Last year, we are happy to say that business increased and hope that it will continue in the years to come.

Now that the traffic is on the increase, it is equally important to properly inform the traveler of facilities they can find along the roadway. As a campground, we should be able to post signs for directional purposes in the same manner as the State Division of Parks. As you know, all State campgrounds are allowed highway road signs.

Can you please tell us if the Alaska Highway is included and if not may we ask that a provision be made to include the Alaska Highway?

Thank you for your help!

Sincerely,

*Linda*  
Linda Jernigan

VILLAGE TEXACO  
P.O. BOX 741  
TOK, AK 99780

March 22, 1993

Senator Steve Frank  
Attn: David

Subject: SB 157

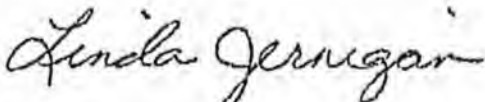
Village Texaco support SB 157. As a new business we are encouraged by the flexibility the bill gives in regards to outdoor advertising along our road system.

It is important to inform the traveler of services available to them and equally important for businesses to properly advertise their business.

If the bill does not include the Alaska Highway please consider a revision to do so.

Thank you for your help.

Sincerely,



Linda Jarnigan

**RITA'S POTPOURRI & CAMPGROUND  
P.O. BOX 201  
TOK, AK 99780**

**March 22, 1993**

**Senator Steve Frank  
Attn: David**

We are writing you in support of SB 157. We have waited many years for this kind of bill to be introduced. An outdoor advertising sign can make or break a business!

As pioneers of Alaska and the builder/owner of the first private campground in Alaska we have fought for many years to get reasonable outdoor advertising laws. Years ago our directional sign at the Tok Jct. was removed by the Alaska State Troopers. In those days there wasn't a radio or television station, therefore we were faced with virtually no advertisement. Needless to say we saw our business drop significantly. To be specific, our business dropped 50% and we had to lay off our employees.

Most recently we have applied and received an "air space" lease for our on premise sign and had to receive permission for flowers in front of our business in the highway right-of-way.

We support SB157 as it will enable businesses to properly advertise their services and hopefully we will not have to continue struggling.

Sincerely,

**DOUG & RITA EUERS**



# ALASKA CAMPGROUND OWNERS ASSOCIATION

P.O. Box 84884 Fairbanks, Alaska 99708 (907) 474-0286

## Board Officers

President

Linda Colrud

McKinley Campground  
Healy

Vice President

Doug Eilers

Rita's Campground  
Tok

Secretary-Treasurer

Linda Jernigan

Te: RV Village  
Tok

## Regional Board Directors

Anchorage

Rick Bartler

Golden Nugget RV Park  
Anchorage

Interior Region

Linda Anderson

River's Edge RV  
Fairbanks

Mat-Su Region

Red Starr

Mountain View RV  
Palmer

Copper River Region

Jeff Saxe

Eagle's Rest  
Valdez

Southeast Region

Arnie Olsson

Port Chilkot  
Haines

Kenai Peninsula Region

Kathy Davidhizar

Edgewater RV Park  
Soldotna

March 22, 1993

Senator Steve Frank  
Attn: David

The Alaska Campground Owners Assoc. (ACOA) wants to extend our gratitude and support for SB157.

ACOA was established three years ago in an effort to create a more healthy environment for our growing private campground industry in the State of Alaska. Over the past three years, we have seen a number of new parks become established and join our organization. We originally were an organization of 13 campground members. Today, the ACOA has grown to include 56 campground owners state-wide, in addition to 43 associate members (supporting small businesses and organizations).

Our Association is one that is seriously impacted economically as a result of the State's restrictive statutes for outdoor advertising along our road system.

ACOA supports the relief that SB157 will give to our members in regards to outdoor advertising. As tourism facilities, we must be able to post signs for directional purposes in the same manner as the State Division of Parks. As you know, all State campgrounds are allowed highway roadsigns.

Sincerely,

Linda Jernigan  
Secretary/Treasurer

Eagle's Rest RV Park

P.O. Box 610  
Valdez, Alaska 99686  
(907)835-2373

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March 23, 1993

Senator Steve Frank  
Juneau, Alaska  
attn. David

Dear Sirs,

It has come to our attention that the subject of outdoor advertising is being supported by you in Senate Bill 157.

We would like to take this opportunity to let you know of our support of Senate Bill 157. This is an important issue not only to us, but to all businesses in Alaska - we just wish everyone knew of your efforts! We are spreading the word in Valdez.

We are new to all this! Please just give us a call if there is anything we can do to help. And, Thank-you for taking a moment of your time for us!

Sincerely,

JEFF SAXE  
Pres. Eagle's Rest, Inc.



# Alaska State Legislature

Please enter into the record my testimony to the senate transportation  
 committee on SB 157, dated 3/23/93 at 3:30  
 bill/subject

I Support S.B. 157.

I worked at Mom & Pops all summer of 90-91-92

I had lots of R.V. Travelers stop ask  
 directions to Mt. Juneau R.V. Park. There biggest  
 complaint was not enough signing for the  
 traveling public. (no directions)

Signed: Carol Kingery  
 Testifier

Representing (Optional)

P.O. Box 3776

Address

Palmer, Alaska 99645

Phone No.

208.

746-4076



# Alaska State Legislature

Please enter into the record my testimony to the senate transportation  
committee on SB 157, dated 3/23/93 at 3:30  
committee name  
bill/subject

We support S.B. 157

The biggest complaint that MT. VIEW R.V. Park road users is that there isn't enough signs directing the traveling public to destinations that they are trying to locate. WE HAVE NO SIGNS AND CAN'T PUT ANY ON.

We have an investment of approximately \$1,000,000.00 that caters solely to the R.V. traveler. Our season is 90-120 days and we are faced with the dilemma of not being able to advertise our business with directional signs.

TODS TOURIST DIRECTIONAL SIGNING is a fairly basic experimental program that sounds like it has a lot of merit, it is self explanatory, it also sounded to us like it was written for us exclusively.

We applied for TODS signing and were rejected because of the intersection that we need to place our signs at. The TODS packet lists all intersections that are excluded for the placement of signs. The intersection that we asked to place our signs was not on the list but we were told that the intersection was not conducive to the placement of TODS signs.

I spoke with Bob Ruby (3-22-93) at approx. 4:30 P.M. and had quite a lengthy discussion with him.

Unless I misunderstood or misinterpreted what he explained to me, it appears that the state D.O.T.P.F. is going several steps beyond what they are being told by the Federal D.O.T. I understand Mr Ruby to say that the Fed. D.O.T. would not take any money away from the State of Ak. highway funds as long as we moved the signs out of the right of ways. Bob also said that signs could be placed on private property that did not have the actual business on it, if this property was a commercial use area and that no funds would be withheld for advertising of this type.

MAR 23 1993

Signed F. K. Starns  
Testifier

MT. VIEW R.V. PARK PALMISANO, AK  
Representing (Optional)

Mr. Tom Smith, Rt. Palmisano, AK 99645  
Address

907-745-5747 FAX 907-745-1700  
Phone No.

**Intermodal Surface Transportation Efficiency Act of 1991 Amendments to 23 U.S.C. 131, Control of Outdoor Advertising**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** On December 18, 1991, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102-240, 105 Stat. 1914, was signed into law. Section 1046 of the ISTEA amended 23 U.S.C. 131 which deals with outdoor advertising control. This notice describes the impact of section 1046 on how States can provide for effective control of outdoor advertising in accord with regulations previously issued by the Federal Highway Administration (FHWA) in 23 CFR 750.705. This document is being issued to advise States that the ISTEA may require them to consider changes in their laws and administrative practices in order to remain eligible for full Federal-aid funding. The ISTEA itself provides no lead time for the States to come into compliance with these new provisions. A discussion of initiatives that will be considered in evaluating how "effective control" is maintained under the new requirements is a part of this notice.

Under section 1046, 23 U.S.C. 131 will continue to apply to the Interstate System and the Federal-aid primary system as they existed on June 1, 1991, and, when designated, all portions of the approved National Highway System. The three major amendments made to 23 U.S.C. 131 by section 1046 of ISTEA are: (1) An amendment prohibiting the erection of most new signs adjacent to

an Interstate or Federal-aid primary designated a Scenic Byway under a State Program; (2) a specific requirement that illegal signs be removed; and (3) a provision authorizing for the first time the use of Federal-aid highway funding to purchase signs that do not conform to outdoor advertising controls.

**DATES:** The ISTEA was signed into law on December 18, 1991, with the provision of new sections 131(s) and 131(r)(1) of title 23, U.S.C., effective as of that date.

**FOR FURTHER INFORMATION CONTACT:** Mr. Marlin E. Meese, Chief, Special Programs and Evaluation Branch, Office of Right-of-Way, HRW-12, (202) 366-2017; or Mr. Robert Black, Attorney, Office of Chief Counsel, HCC-31, (202) 366-1359, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except legal Federal holidays.

**SUPPLEMENTARY INFORMATION:** Section 131 is the implementing authority within title 23, U.S.C., for the Highway Beautification Act of 1965, as amended. The basic principles of outdoor advertising control are in section 131. The original Act provided specific controls on the erection and maintenance of outdoor advertising signs and devices along the Interstate and Federal-aid primary highway systems. The Interstate and primary highway systems comprise only 306,000 miles of the 3.9 million miles of public roads and streets in the United States. Therefore, the outdoor advertising controls apply to less than 8 percent of the total national public road mileage. Statutory controls in section 131(c) limit signs which a State can permit to directional and official signs, sale or lease signs, on-premise signs, landmark signs, and free coffee signs. In addition, under section 131(d), States can permit signs in zoned or unzoned commercial or industrial areas adjacent to the controlled systems. Section 131(d) provides for an agreement between each State and the Secretary of Transportation regarding size, lighting, and spacing standards of signs in commercial and industrial areas.

**Scenic Byway Prohibition**

The ISTEA in section 1046(c) amended title 23, U.S.C., by adding section 131(s). The new section limits the erection of new advertising displays to those permitted under section 131(c) along road segments that are designated Scenic Byways which are on the Interstate System, the Federal-aid primary system (as it existed on June 1,

1991), or on the National Highway System, when designated. These routes, collectively, are referred to as the controlled systems for Highway Beautification Act purposes. Thus new signs which would have been permitted in commercial and industrial areas under section 131(d) are no longer permitted on scenic byway portions of the controlled system.

Based on the 1990 Scenic Byways Study (U.S. DOT/FHWA Publication No. PD-91-010, January 1991), all but 15 States have some form of scenic byways program. About 35,000 miles of roads had been designated as scenic as of December 1990, when the study was conducted. The study projected that only about 50,000 total miles would be designated. Of the total projected mileage, about 50 percent is located on the Interstate and Federal-aid primary systems. Almost all of the mileage already designated as scenic along a controlled highway system is on two lane roadways. Most scenic byways are two lane roadways in rural areas where commercial and industrial areas are fewer in number. Thus, while the scope of this new control is limited to only about 25,000 miles, it complements the actions already taken by the States in determining that these routes have particular scenic importance.

**Removal of Illegal Signs**

The ISTEA in section 1046(b) also added section 131(r) to title 23, U.S.C. This new section requires all owners of illegal signs to remove their illegal signs within 90 days. The section further states that in the event owners do not remove their illegal signs, the State, to exercise effective control, shall remove the signs. The section provides that States recover removal costs of unremoved illegal signs from the sign owner. This cost recovery provision is not part of "effective control" for purposes of the sanction provisions of the Highway Beautification Act (23 U.S.C. 131(b)).

The FHWA recognizes that most States have already caused the removal of a substantial number of the illegal signs within their boundaries. Some States, however, have significant numbers of illegal signs remaining. Based on State reports, a total of about 22,000 remaining illegal signs have been identified. The law gave sign owners only 90 days from the effective date of ISTEA on December 18, 1991, to remove their illegal signs. The short period given to the owners is an indication of the emphasis to be applied to remove illegal signs. In consideration of the period granted to the owners, and the specific

mandate to the States to conclude removals when the sign owner has not performed, the FHWA has set a goal of an additional 90 days through June 18, 1992, for the States to act on the removal of illegal signs as required by 23 U.S.C. 131(r)(2). The FHWA recognizes that State law or procedural impediments may have to be overcome before a State can fully comply with this objective. However, considering the short time frame stated in the legislation for the removal of illegal signs by the sign owners, and the specific tie of this action to effective control requirements, States must take immediate steps after March 18, 1992, to demonstrate reasonable progress in meeting the effective control responsibilities required by this amendment. Good faith efforts by a State, including efforts to seek legislative authority, to comply with the provisions quickly will be considered by the FHWA in deciding how to deal with a failure to achieve effective control. Cumbersome administrative or procedural requirements that do not provide for prompt removal of illegal signs are not consistent with the intent of this section.

#### Funding for Removal of Nonconforming Signs

A new funding source for outdoor advertising control was provided in section 1046(a) of the ISTEA. By amending 23 U.S.C. 131(m), highway trust funds apportioned under 23 U.S.C. 104 are now available for the removal of nonconforming signs (i.e., lawfully erected signs which do not conform to the control requirements of section 131 or stricter State laws). In addition, in section 1007 of the ISTEA, control and removal of outdoor advertising is identified as one of several eligible "transportation enhancement activities" under the new Surface Transportation Program (STP). This major new program requires that at least 10 percent of apportioned funds for the program must be directed toward "transportation enhancement activities."

Initially, Federal funds for the control of outdoor advertising came from the General Fund. Now, funds made available from the Highway Trust Fund for highway projects may be used for outdoor advertising control. This will have a profound impact on the ability and responsibility of States to remove outdoor advertising signs. Under section 131(n), the States are not required to remove nonconforming signs unless Federal funds are available to participate in the acquisition costs associated with their removal. In the years immediately following the passage of the Highway Beautification Act,

considerable sums were made available to inventory and remove nonconforming signs. However, funding was never sufficient to complete the acquisition process and no General Funds have been appropriated since 1983.

With this amendment made by the ISTEA, the States should have sufficient funds to remove nonconforming signs much more expeditiously. The change in the funding provided by the ISTEA, making available significant funds for the Federal share of just compensation payments and other control costs, will enable States to complete the removal of nonconforming signs in order to maintain effective control under Section 131(b). The timely removal of nonconforming outdoor advertising signs has always been part of "effective control." Failure to exercise effective control subjects a State to a 10 percent reduction of its Federal-aid highway apportionment, pursuant to 23 U.S.C. 131(b).

The FHWA estimates that about 92,000 nonconforming signs remain to be acquired. Most of these signs have been in place for over 20 years. Removal has been delayed, but now with increased Federal funding available to complete acquisition activities and ensure effective control, the law requires expedient removal.

The ISTEA authorizes \$121 billion over the next six years for highway programs, including the STP which is a block grant program designed to fund a wide range of transportation related projects. For Fiscal Year (FY) 1992 alone, over \$11 billion in Federal-aid under 23 U.S.C. 104 is being distributed to the States for highway construction and maintenance, and other transportation activities, including removal of outdoor advertising signs. The estimated total Federal share of the cost to acquire the remaining nonconforming signs is \$428 million. This amount represents just 4 percent of the total eligible Federal-aid funds available to the States in FY 1992. Thus, the FHWA considered requiring States to remove all nonconforming signs along controlled highways in the first year ISTEA funding is available.

However, the FHWA recognizes that while the ISTEA represents a dramatic increase in Federal-aid funding, the non-Federal share must come from State or local sources. Moreover, the impact on individual States in providing for immediate removal would vary. For example, a State with an inventory of just a few hundred nonconforming signs would have a more manageable acquisition task than a State with over 2,000 such signs.

In addition, the FHWA recognizes that other problems might hamper the immediate removal of all remaining nonconforming signs. First, many States have been inactive regarding a sign acquisition program, and might need to update their administrative tools and sign acquisition procedures. Second, we do not believe that the Congress intended that the removal of signs take precedence over all other title 23 projects and programs.

For these reasons, we believe the ISTEA requires States to begin immediate removal of nonconforming signs, and to make reasonable progress in completing their removal program expeditiously. The FHWA, however, has set a two year goal for complete removal of remaining nonconforming signs. The FHWA believes that 2 years provides States with adequate time to remove all nonconforming signs without unduly constricting Federally-funded highway construction and other projects. States should be prepared to justify any reason for concluding that this period would impose an undue hardship on their priorities and programs.

During the next two years period, more than \$24 billion Federal-aid dollars can be expected to be made available to the States for 23 U.S.C. 104 programs and projects. Considering the number of nonconforming signs remaining in the various States, most States could conclude their removal program using less than 2 percent of their 23 U.S.C. 104 funds within the two year period. Therefore, full acquisition and removal of the remaining nonconforming signs over the next two years would seem to be an achievable goal. By meeting this goal States will have removed all nonconforming signs on controlled Federal-aid highways by December 18, 1993.

The elements of removal programs will necessarily vary from State to State, and States should confer with the FHWA as to how best structure a removal program. In implementing removal programs, the States will have to review their existing priorities and formulate programs and processes that will maintain effective control. The States may wish to involve interested parties and affected entities such as other state and local agencies, sign owners, environmental groups and the business community, and establish priorities for sign removal.

This notice provides States and other interested parties a discussion of FHWA's goals and objectives to assure effective control is maintained to achieve the full implementation of the objectives expressed in the 1983

Highway Beautification Act, as amended, and to prevent interruption of Federal-aid funding. Each State should advise the FHWA by June 18, 1992, of its process, program, and timetable to ensure effective control is achieved and maintained. The FHWA intends to monitor and evaluate each State's progress in providing for the prompt removal of illegal and nonconforming signs on controlled systems.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: March 2, 1992.

**T.D. Larson,**

*Administrator.*

[FR Doc. 92-5287 Filed 3-5-92; 8:45 am]

BILLING CODE 4910-22-M

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## DEPARTMENT OF VETERANS AFFAIRS

### Cooperative Studies Evaluation Committee; Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 (Federal Advisory Committee Act) as

amended by section 5(c) of Public Law 94-409 that a meeting of the Cooperative Studies Evaluation Committee will be held at the Ramada Renaissance Hotel, 999 9th Street NW., Washington, DC, on April 28, 1992. The session is scheduled to begin at 7:30 a.m. and end at 6 p.m. The meeting will be for the purpose of reviewing the progress of one on-going cooperative study in immunization in the prevention of infection, and three new clinical trials, one in the treatment of alcoholic cirrhosis, one in diabetes mellitus, and one in unstable angina.

The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on the relevance and feasibility of studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects.

The meeting will be open to the public up to the seating capacity of the room, from 7:30 a.m. to 8 a.m., to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. Ping

Huang, Coordinator, Cooperative Studies Evaluation Committee, Department of Veterans Affairs, Washington, DC, (202-535-7154), prior to April 14, 1992.

The meeting will be closed from 8 a.m. to 6 p.m., for consideration of specific proposals in accordance with provisions set forth in section 10(d) of Public Law 92-463, as amended by section 5(c) of Public Law 94-409, and 5 U.S.C. 552b(c)(6). During this portion of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research protocols, and similar documents, and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: February 26, 1992.

By Direction of the Secretary.

**Diane H. Landis,**

*Committee Management Officer.*

[FR Doc. 92-5217 Filed 3-5-92; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL HIGHWAY ADMINISTRATION  
400 SEVENTH ST., SW  
ROOM 4223, HCC-10  
WASHINGTON, D.C. 20590

TITLE 23 -- UNITED STATES CODE  
HIGHWAYS

Originally Compiled from GPO tapes by HNG-12 in Nov. 1987  
with updates through 1988

Maintenance transferred to Office of the Chief Counsel  
in January 1990

Please notify HCC-10 (202)366-1388, Sherie Abbasi  
if errors are encountered in text

[text in WordPerfect 5.1]  
[electronic file available on FEBBS for FHWA Staff]

UPDATED: 5/10/91: Pub. L. 101-427 (10/15/90).  
          Secs. 333 and 336 of Pub. L. 101-516 (11/5/90).  
1/8/92: Pub. L. 102-143 (10/28/91), Sec. 333.  
          Pub. L. 102-240 (ISTEA of 1991, 12/18/91).

TITLE 23-UNITED STATES CODE  
HIGHWAYS  
CHAPTER 1.-FEDERAL-AID HIGHWAYS

- Sec.
101. Definitions and declaration of policy.
  102. Program efficiencies.
  103. Federal-aid systems.
  104. Apportionment.
  105. Programs.
  106. Plans, specifications, and estimates.
  107. Acquisition of rights-of-way-Interstate System.
  108. Advance acquisition of rights-of-way.
  109. Standards.
  110. Project agreements.
  111. Agreements relating to use of and access to rights-of-way Interstate System.
  112. Letting of contracts.
  113. Prevailing rate of wage.
  114. Construction.
  115. Advance construction.
  116. Maintenance.
  117. Certification acceptance.
  118. Availability of funds.
  119. Interstate maintenance program.
  120. Federal share payable.
  121. Payment to States for construction.
  122. Payment to States for bond retirement.
  123. Relocation of utility facilities.
  124. Advances to States.
  125. Emergency relief.
  126. Diversion.
  127. Vehicle weight limitations-Interstate System.
  128. Public hearings.
  129. Toll roads, bridges, tunnels, and ferries.
  130. Railway-highway crossings.
  131. Control of outdoor advertising.
  132. Payments on Federal-aid projects undertaken by a Federal agency.
  133. Surface transportation program.
  134. Metropolitan planning.
  135. Statewide planning.
  136. Control of junkyards.
  137. Fringe and corridor parking facilities.
  138. Preservation of parklands.
  139. Additions to Interstate System.
  140. Nondiscrimination.
  141. Enforcement of requirements.
  142. Public transportation.
  143. Economic growth center development highways.
  144. Highway bridge replacement and rehabilitation program.
  145. Federal-State relationship.
  146. Carpool and vanpool projects.

and subsection (b) of this section, may be paid from sums apportioned in accordance with section 104 of this title.

(b) The Secretary may classify the various types of projects involved in the elimination of hazards of railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per centum. The Secretary shall determine the appropriate classification of each project.

(c) Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available for expenditure under this title, or prior Acts, shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made pursuant to subsection (b) of this section. Such liability to the United States may be discharged by direct payment to the State highway department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. Such payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of such project. If any such railroad fails to discharge such liability within a six-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

(d) Survey and Schedule of Projects.- Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railroad-highway crossings.

(e) Special Rules.-

(1) Funds for Protective Devices.- At least 1/2 of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings.

(2) Set Aside for Public Information Programs.- \$250,000 of the amounts available for expenditure under this section in each fiscal year shall be expended for a public information program-

(A) which the Secretary determines will be effective in educating the public as to the hazards posed at

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, 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, 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.

(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 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, including those which may be changed at reasonable intervals by electronic process or by remote control, advertising activities conducted on the property on which they are located, (4) signs lawfully in existence on October 22, 1965, determined by the State subject to the

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.

(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 information 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 and other travel information systems within the rights-of-way 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. The Federal share of the cost of establishing such an information center or travel information system shall be that which is provided in section 120 for a highway project on that Federal-aid system to be served by such center or system.

(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: Provided, That permission by a State to erect and maintain information displays which may be changed at reasonable intervals by electronic process or remote control and which provide public service information or advertise activities conducted on the property on which they are located shall not be considered a breach of such agreement or the control required thereunder. 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) Subject to compliance with subsection (g) of this section for the payment of just compensation, 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

to be paid upon removal of such sign, display, or device is not available to make such payment.

(o) The Secretary may approve the request of a State to permit retention in specific areas defined by such State of directional signs, displays, and devices lawfully erected under State law in force at the time of their erection which do not conform to the requirements of subsection (c), where such signs, displays, and devices are in existence on the date of enactment of this subsection and where the State demonstrates that such signs, displays, and devices (1) provide directional information about goods and services in the interest of the traveling public, and (2) are such that removal would work a substantial economic hardship in such defined area.

(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

(q)(1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling public will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c)(1) and 131(f) to develop signs which are functional and aesthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

(2) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed.

(r) REMOVAL OF ILLEGAL SIGNS.--

(1) BY OWNERS.--Any sign, display, or device along the Interstate System or the Federal-aid primary system which was not lawfully erected, shall be removed by the owner of such sign, display, or device not later than the 90th day following the effective date of this subsection.

(2) BY STATES.--If any owner does not remove a sign, display, or device in accordance with paragraph (1), the State within the borders of which the sign, display, or device is located shall remove the sign, display, or device. The owner of the removed sign, display, or device shall be liable to the State for the costs

# DIVISION OF LEGAL SERVICES

## LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

### MEMORANDUM

March 19, 1993

**SUBJECT:** Sectional Summary of SB 157. (Work Order No. 18-LS0814A)

**TO:** Senator Steve Frank  
Attn: David

**FROM:** Jerry Luckhaupt *JL*  
Legislative Counsel

You have requested a sectional summary of the above described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill adds new sections to AS 19.25 that provide that outdoor advertising is permitted outside of the right-of-way of a state highway except as prohibited by federal law and that a person may not erect or maintain outdoor advertising not permitted by this statute.

Section 2 of the bill amends AS 19.25.105(d) to delete references to "interstate, primary, or secondary highway[s]" and to substitute the term "state highway."

Section 3 of the bill amends AS 19.25.130 to conform to Section 1 of the bill. AS 19.25.130 provides the penalty for an act of unlawful advertising.

Section 4 of the bill amends AS 19.25.150 to also conform to Section 1 of the bill. AS 19.25.150 defines an act of unlawful advertising as being a public nuisance and provides the procedure that the Department of Transportation should follow to abate the nuisance.

Section 5 of the bill repeals and reenacts AS 19.25.160 to provide minor changes to the definition of outdoor advertising and to delete unneeded definitions of department, interstate system, and primary/secondary system.

Section 6 of the bill amends AS 19.25.170 to delete unneeded references to interstate and primary systems. AS 19.25.170 provides the authority for the Department of

Senator Steve Frank  
March 19, 1993  
Page 2

Transportation to enter into agreements in conformity with the provisions of Title 19 with the U.S. Secretary of Transportation relating to the control of outdoor advertising.

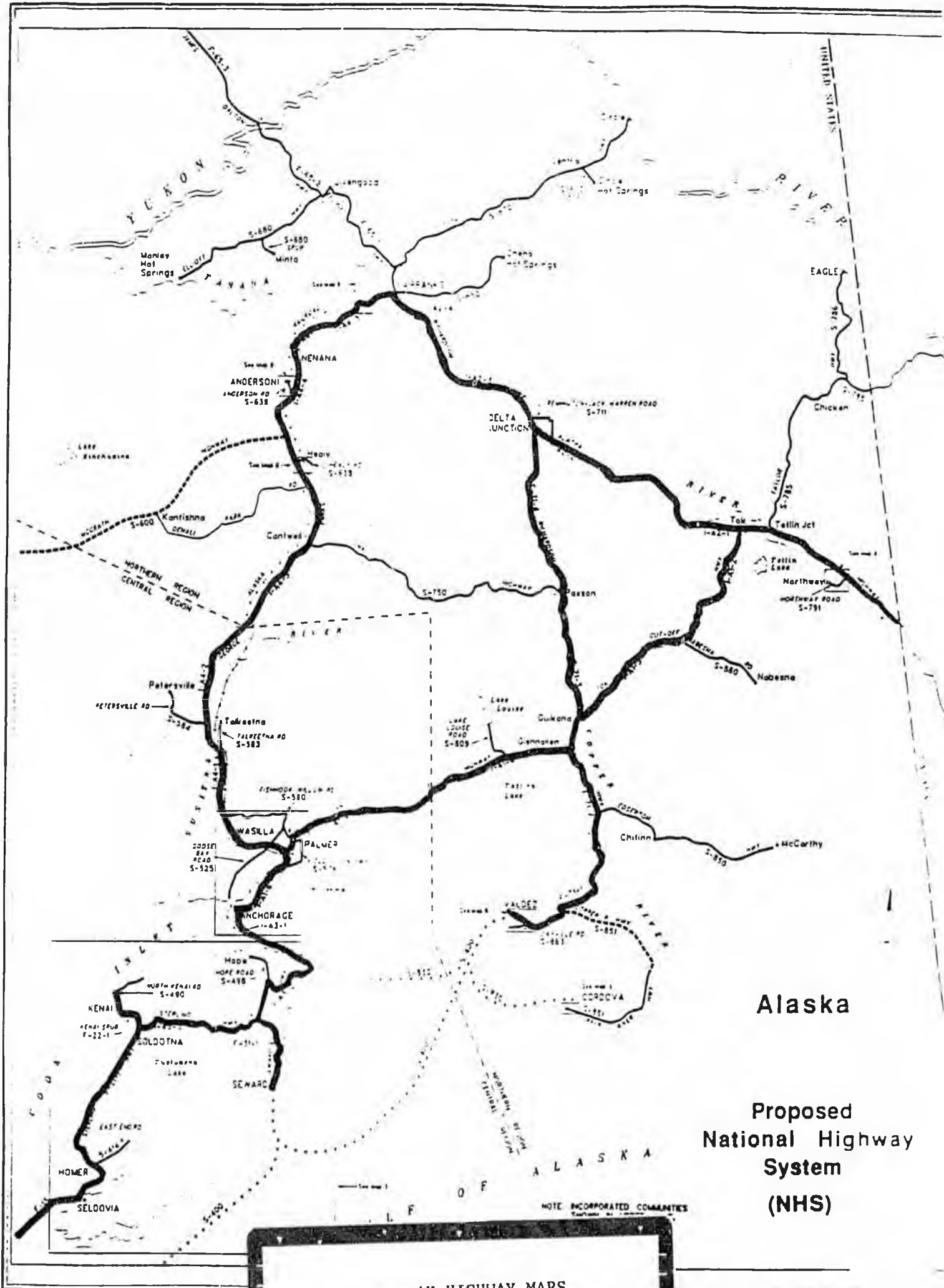
Section 7 of the bill repeals and reenacts AS 19.25.180 to provide for the right of a municipality to enact more restrictive ordinances to control outdoor advertising, notwithstanding AS 19.25.091 - 19.25.180.

Section 8 of the bill amends AS 19.45.002 to exempt unlawful advertising from the penalty provisions pertaining to AS 19.05 - AS 19.25.

Section 9 of the bill repeals AS 10.25.080, 19.25.090, 19.25.105(a), and 19.25.105(c) to delete references to state control of outdoor advertising made obsolete by this bill.

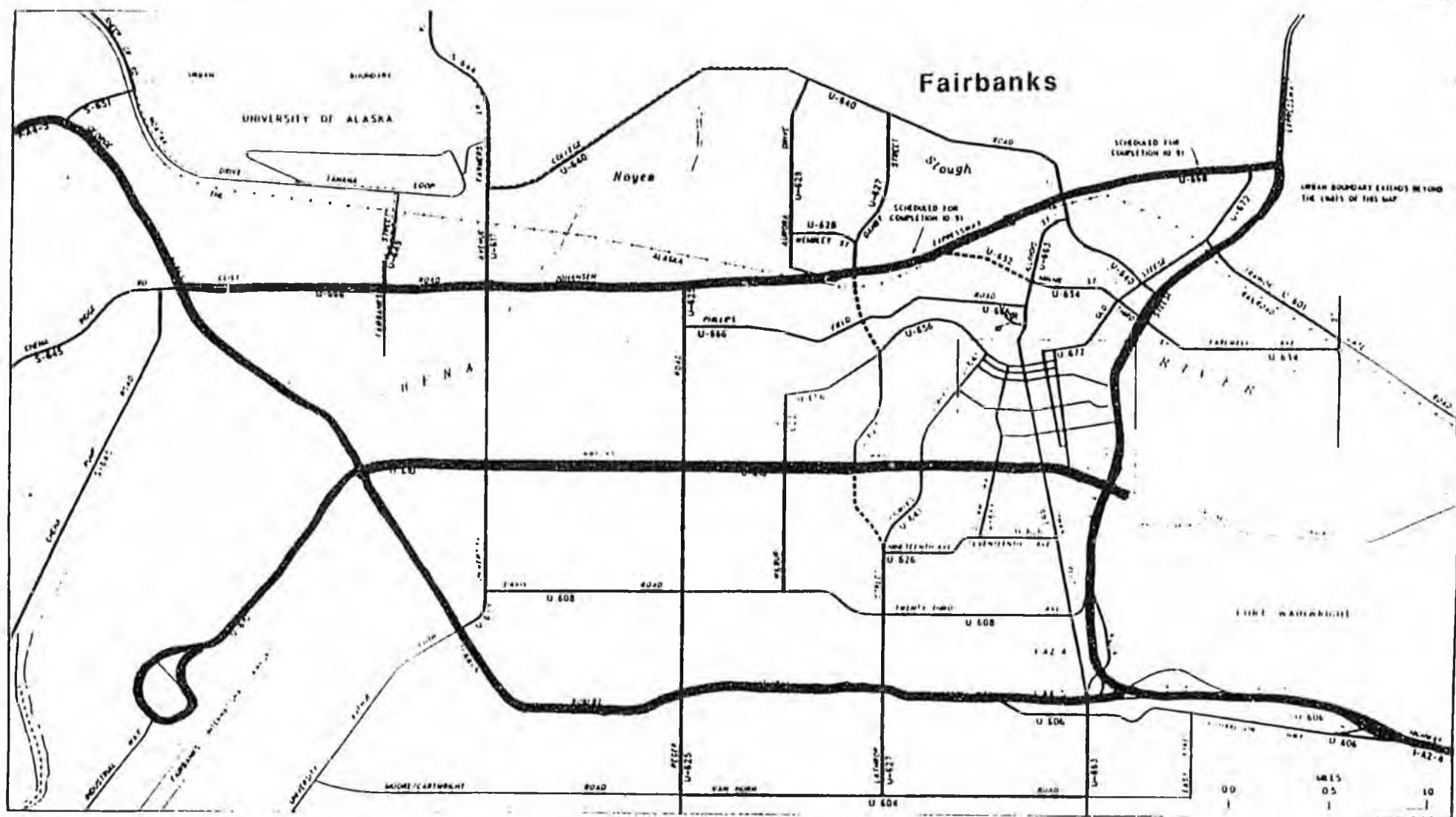
Section 10 of the bill annuls 17 AAC 20.010 to delete the reference to state control of outdoor advertising made obsolete by this bill.

GPL:pl  
93-214.plm

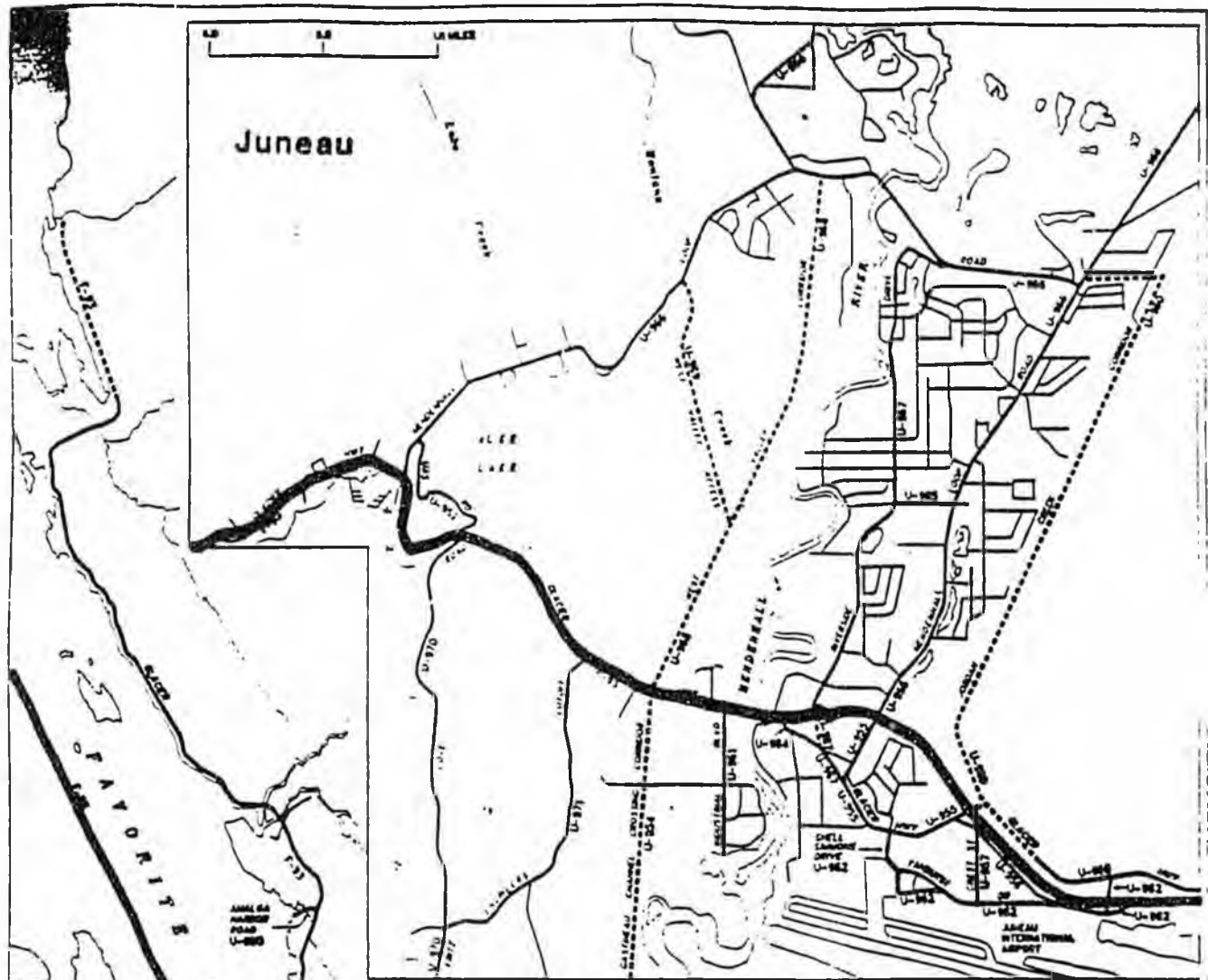


Alaska

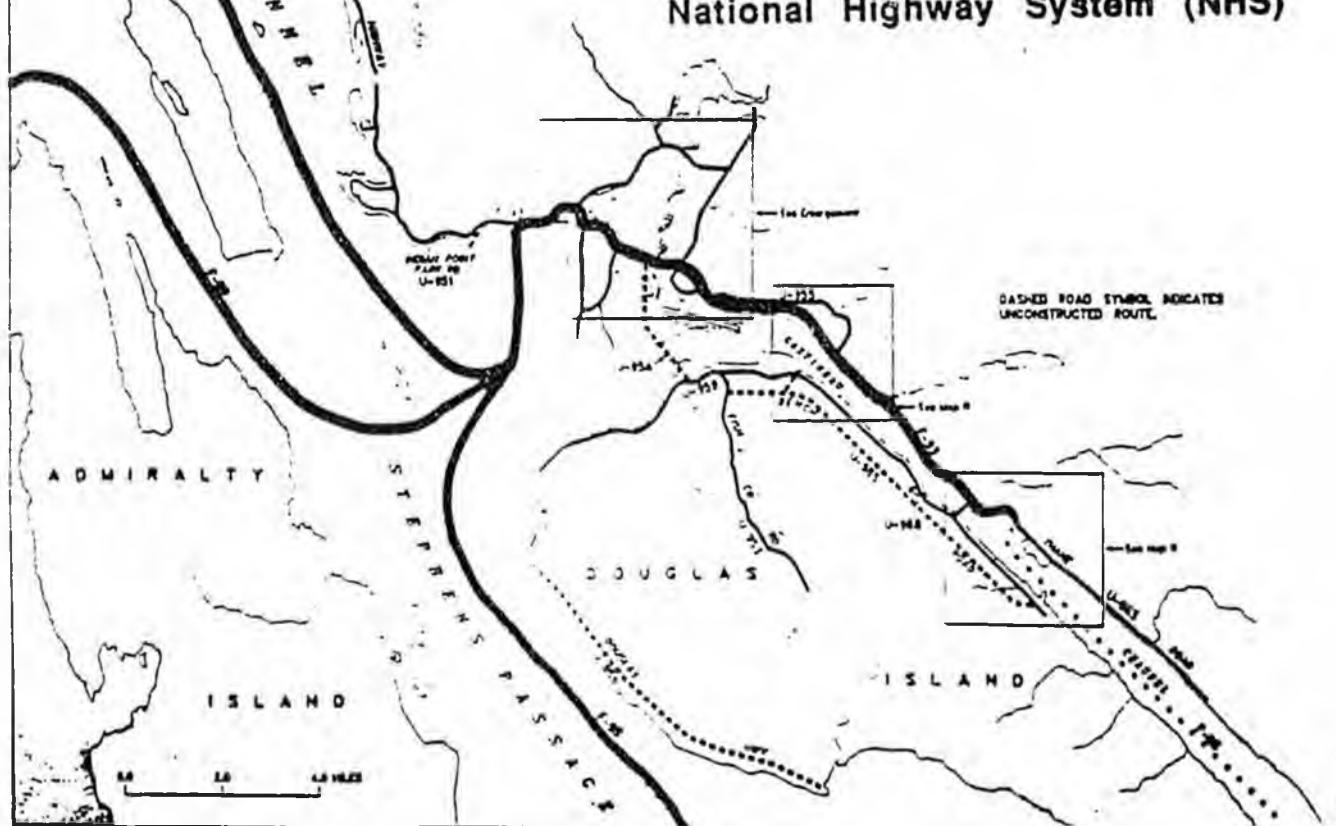
Proposed  
National Highway  
System  
(NHS)

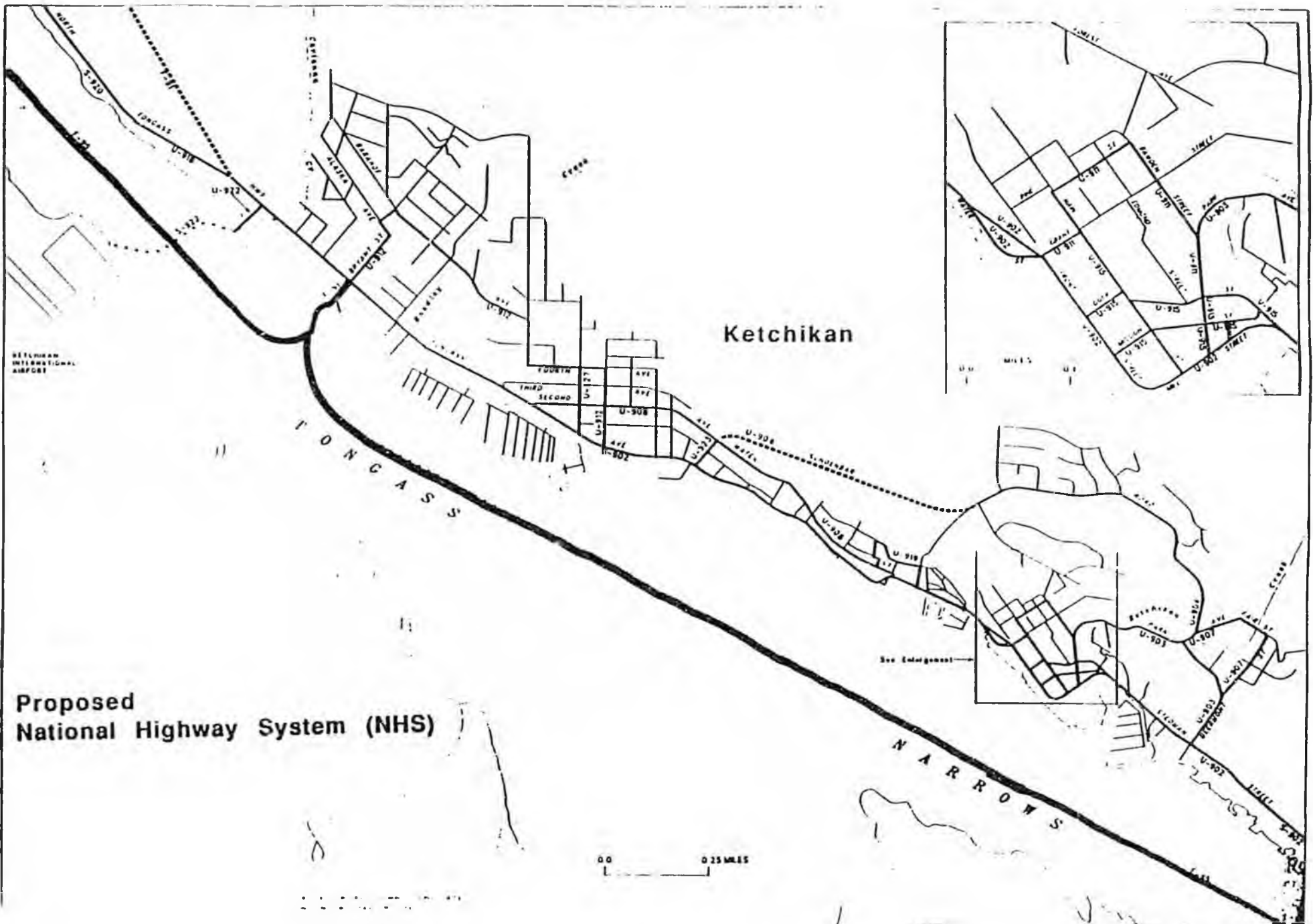


Proposed National Highway System (NHS)



**Proposed  
National Highway System (NHS)**





**Proposed  
National Highway System (NHS)**

Ketchikan

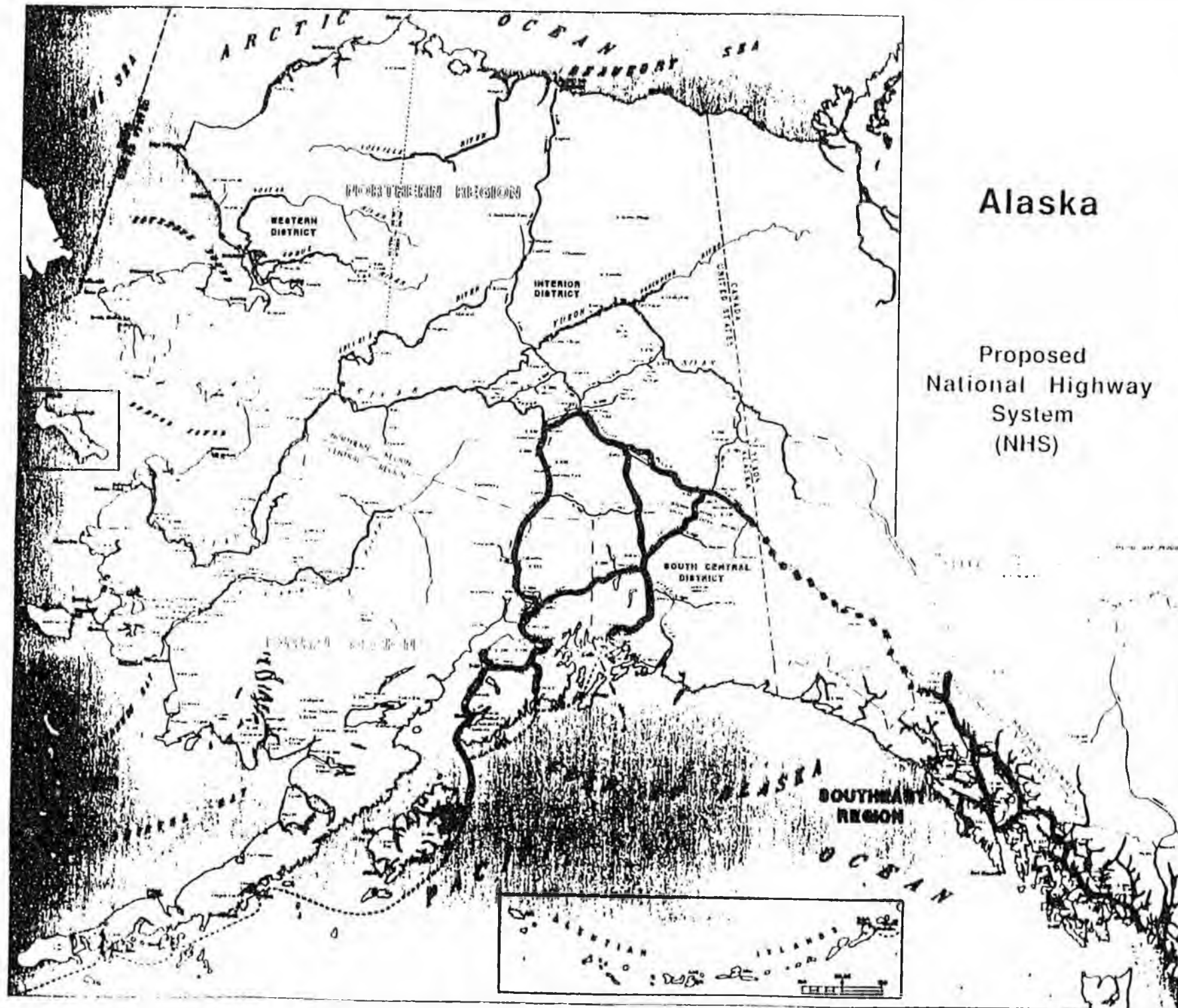
TONGASS

NARROWS

0.00 0.25 MILES

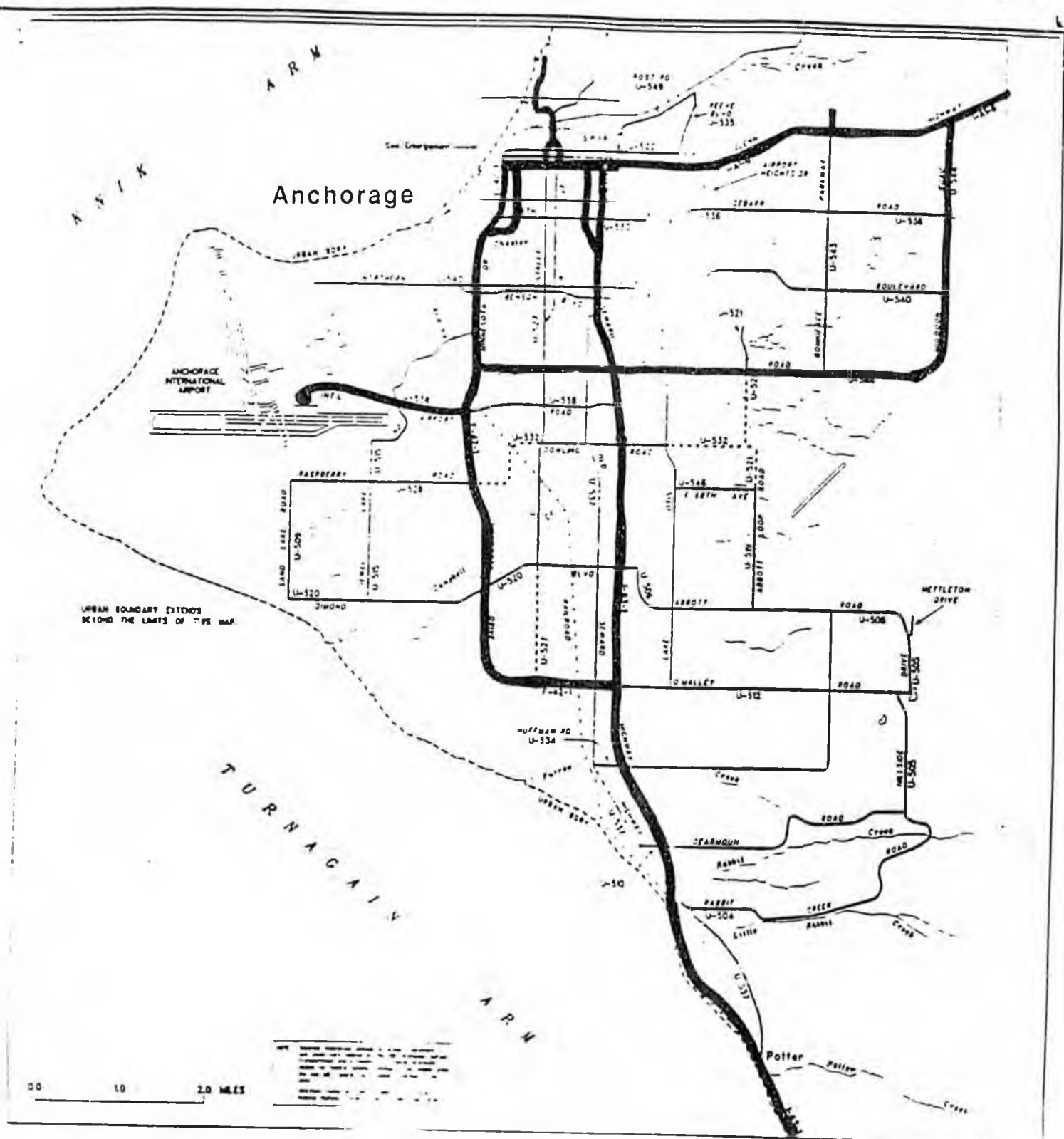
KETCHIKAN  
INTERNATIONAL  
AIRPORT

See Enlargement



# Alaska

Proposed  
National Highway  
System  
(NHS)



Proposed National Highway System (NHS)

DASHED LINE SYMBOL INDICATES UNCONSTRUCTED ROUTE.

Aishuyak

Bay

Kodiak

Munda-Aks Bay

Woody Island

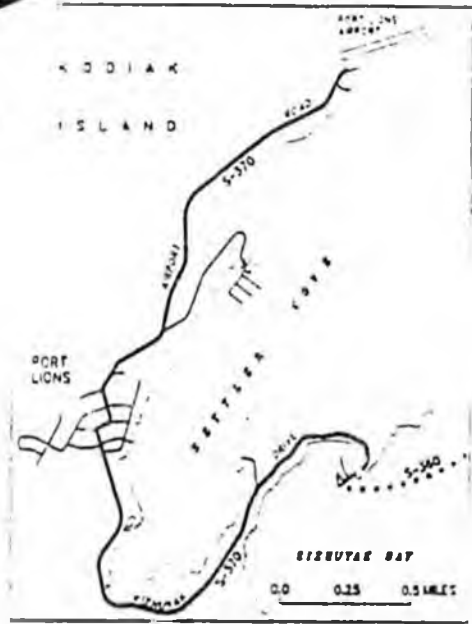
KODIAK ISLAND

Bunyak Bay

Middle Bay

Kalain Bay

ISLAND



30 25 10 MILES

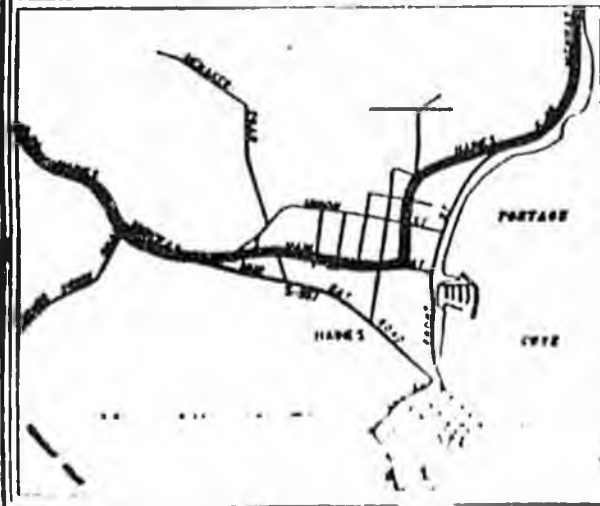
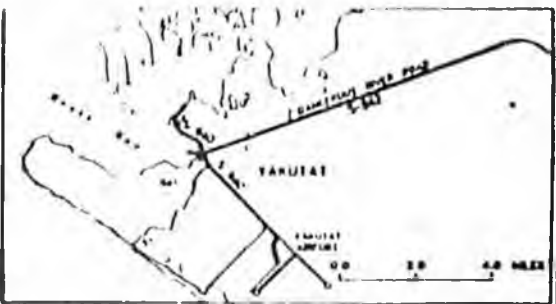
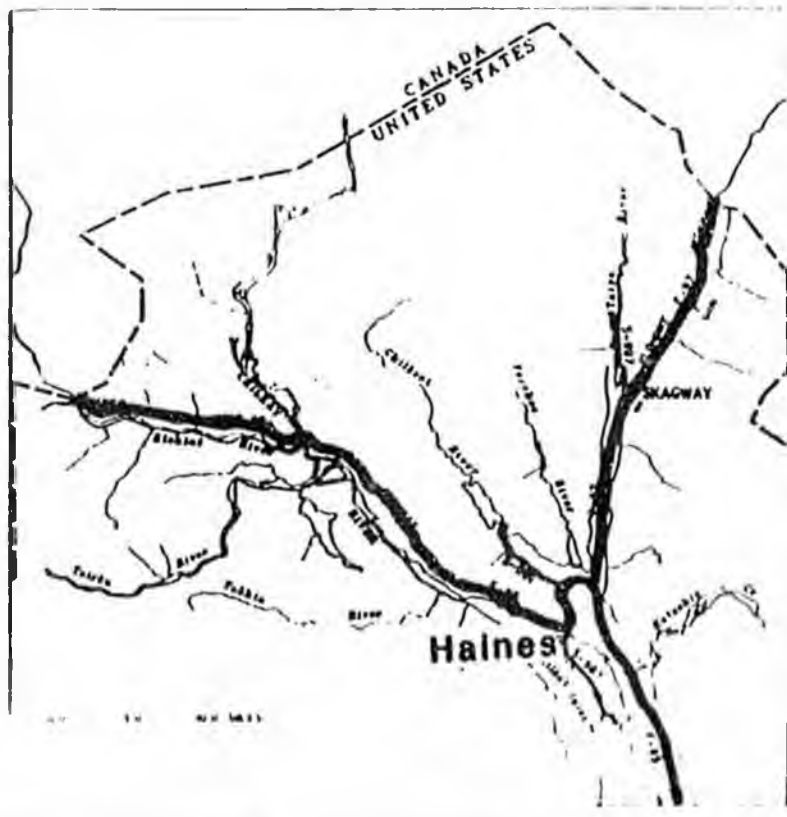
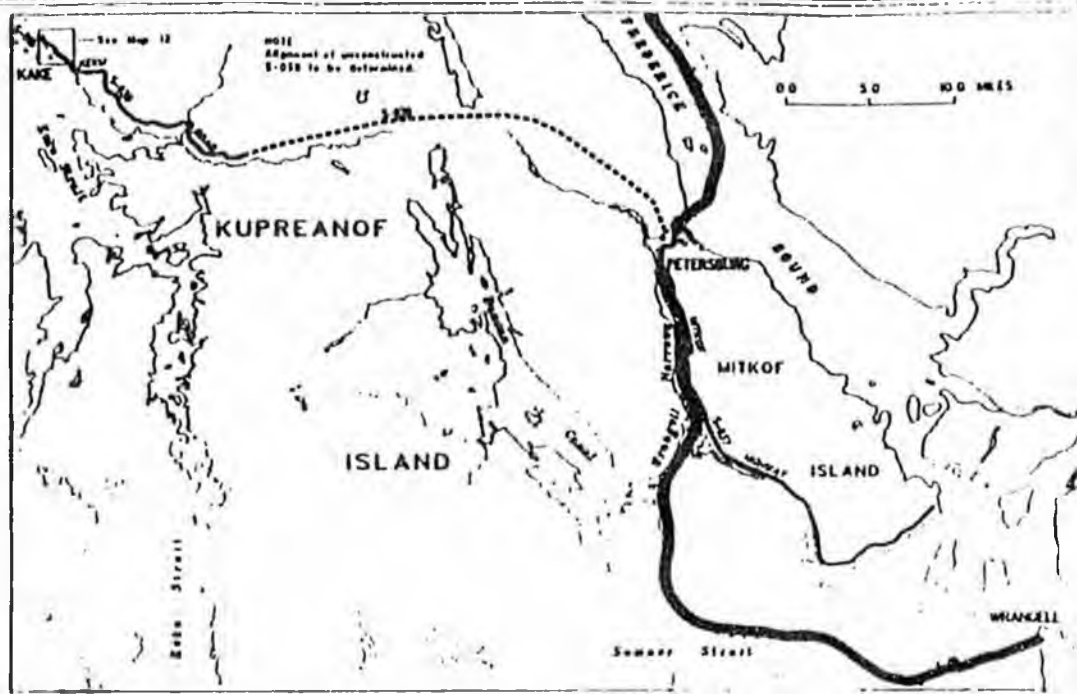
KODIAK

Proposed National Highway System (NHS)

0.0 0.25 0.5 MILES

Near Island





**Proposed NHS**

MATANUSKA-SUSITNA BOROUGH

RESOLUTION SERIAL NO. 93-\_\_\_

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY IN SUPPORT OF HB 26 AND SB 157, RELATING TO THE CONTROL OF OUTDOOR ADVERTISING.

---

WHEREAS, highway travel is an important source of income for both on and off-highway businesses; and

WHEREAS, businesses with highway frontage may display on-premises signs under both Alaska and federal laws; and

WHEREAS, off-highway businesses are prohibited from using highway signs to advertise their businesses by Alaska law; and

WHEREAS, advertising of off-highway businesses in commercial or industrial areas is allowed by federal law; and

WHEREAS, House Bill 26 and Senate Bill 157 would each conform Alaska law to federal law, thus permitting controlled advertising by off-highway businesses in commercial and industrial areas, thus assisting highway travelers in locating needed services offered by local residents;

NOW, THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Assembly urges the legislature to speedily pass House Bill 26 or Senate Bill 157 in order that the needed changes may be implemented before the tourist and construction season arrives.

ADOPTED by the Matanuska-Susitna Borough Assembly this \_\_\_ day of \_\_\_\_\_, 19\_\_\_.

\_\_\_\_\_  
ERNEST W. BRANNON, Mayor

ATTEST:

\_\_\_\_\_  
LINDA DAHL, Borough Clerk

LIMITATIONS ON OUTDOOR ADVERTISING: ALLOWABLE SIGNS

CURRENT LAW

SENATE BILL 157

CS FOR SENATE BILL 157

Within highway right-of-way:	Within highway right-of-way:	Within highway right-of-way:
1. Bus bench/shelter advertising. 2. Official TODS signs. 3. Airspace lease program signs.	1. Bus bench/shelter advertising. 2. Official TODS signs. 3. Airspace lease program signs.	1. Bus bench/shelter advertising. 2. Official TODS signs. 3. Airspace lease program signs.

Within 660' of edge of right-of-way and visible from highway:	Within 660' of edge of right-of-way and visible from highway:	Within 660' of edge of right-of-way and visible from highway:
1. Directional & other official signs. 2. On-premise signs advertising sale or lease of premises, or activities conducted on premises. 3. Landmark signs. 4. Signs pertaining to schools. 5. Bus bench/shelter advertising.	1. Directional & other official signs. 2. On-premise signs advertising sale or lease of premises, or activities conducted on premises. 3. Landmark signs. 4. Signs pertaining to schools. 5. Bus bench/shelter advertising. <u>*6. Signs advertising free coffee.</u> <u>*7. Signs in zoned/unzoned commercial or industrial areas; no restrictions.</u>	1. Directional & other official signs. 2. On-premise signs advertising sale or lease of premises, or activities conducted on premises. 3. Landmark signs. 4. Signs pertaining to schools. 5. Bus bench/shelter advertising. <u>*6. Signs in zoned/unzoned commercial or industrial areas with restrictions for the purpose of directional signage.</u>

Beyond 660' from edge of right-of-way and visible from highway:	Beyond 660' from edge of right-of-way and visible from highway:	Beyond 660' from edge of right-of-way and visible from highway:
1. Directional & other official signs. 2. On-premise signs advertising sale or lease of premises, or activities conducted on premises. 3. Landmark signs. 4. Signs pertaining to schools. 5. Bus bench/shelter advertising.	1. Directional & other official signs. 2. On-premise signs advertising sale or lease of premises, or activities conducted on premises. 3. Landmark signs. 4. Signs pertaining to schools. 5. Bus bench/shelter advertising. <u>*6. Signs advertising free coffee.</u> <u>*7. Signs in zoned/unzoned commercial or industrial areas; no restrictions.</u> <u>*8. Signs in urbanized areas.</u>	1. Directional & other official signs. 2. On-premise signs advertising sale or lease of premises, or activities conducted on premises. 3. Landmark signs. 4. Signs pertaining to schools. 5. Bus bench/shelter advertising. <u>*6. Signs in zoned/unzoned commercial or industrial areas with restrictions for the purpose of directional signage.</u>



# ALASKA VISITORS ASSOCIATION

3201 C Street, Suite 403 • Anchorage, Alaska 99503

Tel: (907) 561-5733 • Fax: (907) 561-5777

1993-94

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Executive Director

#93-9

## A RESOLUTION REQUESTING MODIFICATION OF THE STATE'S HIGHWAY DIRECTIONAL SIGN STATUTES

WHEREAS, due to the strict prohibitions on roadside signage many visitor-oriented businesses encounter difficulties when attempting to make their presence known to highway travelers; and

WHEREAS, the State Tourism Oriented Directional Sign Program (TODS) has many valuable features, but should be improved to allow for advanced signing and trail blazing signs in urban as well as rural areas; and

WHEREAS, the current state law prohibits nearly all outdoor signage along Alaska's highways, setting restrictions on Alaska's private tourism businesses while allowing State tourism endeavors such as historical sites and state campgrounds to be well signed; and

WHEREAS, this is an inequity that needs to be remedied in order for the private sector to enjoy the same signage advantages utilized by the government sector.

NOW, THEREFORE BE IT RESOLVED that the Alaska Legislature and the Governor of Alaska modify the TODS program to include the urban areas.

BE IT FURTHER RESOLVED that legislation to allow directional signs for the use of tourism businesses be passed.

BE IT FURTHER RESOLVED that Alaska's statutes be modified to be no more restrictive than Federal law.

*Adopted by the AVA Board of Directors  
October 9, 1993*

**SENATE COMMITTEE REPORT**  
**FIRST COMMITTEE OF REFERRAL**

DATE: 3/12/93

FURTHER: JUDICIARY

Date of 5-Day Notice: \_\_\_\_\_  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 INTO OFFICE: \_\_\_\_\_

TRANSPORTATION Committee considered SB 157

"An Act relating to the control of outdoor advertising."

and recommends:

replace with \_\_\_\_\_ CS \_\_\_\_\_ ( )

same title  
 new title  
 technical  
 title change  
 (HB only)

attaches amendment(s)

adopts \_\_\_\_\_ Letter of Intent

further referral to the \_\_\_\_\_

do pass

do not pass

no recommendation

individual recommendations

**FISCAL NOTE INFORMATION**

Department	Date	Zero	Fiscal

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

**DO PASS:**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**OTHER RECOMMENDATIONS:**

*Tom Kelly - No Rec*  
*Carol E. [unclear] No Rec*  
*[unclear] No Rec*

*Bob M. [unclear] Do Pass*  
 \_\_\_\_\_  
 Chair: Signature and Recommendation

8-LS08140L  
Luckhaupt  
2/14/94

CS FOR SENATE BILL NO. 157( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATORS FRANK, Sharp, Miller

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to limitations on outdoor advertising signs, displays, and  
2 devices."

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

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

5 (a) Outdoor advertising may not be erected or maintained within 660 feet of  
6 the nearest edge of the right-of-way and visible from the main-traveled way of the  
7 interstate, primary, or secondary highways in this state except the following:

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

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

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

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

6 (5) advertising on bus benches or bus shelters if

7 (A) the state determines that the advertising conforms to local,  
8 state, and federal standards for interstate and primary highways;

9 (6) directional signs whose size, lighting, and spacing, are approved  
10 by the United States Department of Transportation, may be erected and  
11 maintained outside of the right-of-way adjacent to interstate and primary  
12 highways in areas zoned industrial or commercial or in unzoned commercial or  
13 industrial areas as may be determined by agreement with the United States  
14 Department of Transportation; under this paragraph, the directional signs must

15 (A) be for an individual business entity that is of significant  
16 interest to the traveling public as evidenced by documentation that at least  
17 75 percent of the entity's gross business receipts are from motorists  
18 residing more than 20 miles from the business;

19 (B) consist of four or fewer off-premises signs for each  
20 business, and each sign

21 (i) must be located on private property;

22 (ii) must provide directional information;

23 (iii) must indicate the specific business entity;

24 (iv) must be located within 50 miles of the physical  
25 location of the business entity; and

26 (v) may not exceed 8 feet by 12 feet in size

27 [HIGHWAY SYSTEMS].

28 \* Sec. 2. AS 19.25.105(d) is amended to read:

29 (d) Outdoor advertising may not be erected or maintained within the  
30 right-of-way of an interstate, primary, or secondary highway except that

31 (1) outdoor advertising is allowed on bus benches and bus shelters

1 located within the right-of-way under the authority of a permit issued under  
2 AS 19.25.200, if the bus benches or bus shelters are located within a borough or  
3 unified municipality and the buses that stop at that location operate during the entire  
4 year;

5 (2) signs, displays, and devices located on right-of-way property  
6 leased from the state that advertise activities conducted on business property  
7 adjacent to the highway may be erected and maintained;

8 (3) signs within the right-of-way that give specific business  
9 information in the interest of the traveling public may be erected and maintained  
10 to the extent permitted under federal law or regulation.

11 \* Sec. 3. AS 19.25.180 is repealed and reenacted to read:

12 Sec. 19.25.180. APPLICABILITY OF MUNICIPAL ENACTMENTS.  
13 Notwithstanding AS 19.25.080 - 19.25.180, a municipality may enact ordinances that  
14 regulate outdoor advertising in a way that is more restrictive than the provisions of  
15 AS 19.25.080 - 19.25.180, except that a municipality may not restrict directional signs  
16 allowed under AS 19.25.105(a)(6).

17 \* Sec. 4. AS 19.45.002 is amended to read:

18 Sec. 19.45.002. PENALTIES. A person who violates a [ANY] provision of  
19 AS 19.05 - AS 19.25, except a violation of AS 19.25.080 - 19.25.180, is guilty of a  
20 misdemeanor and upon conviction is punishable by a fine of not less than \$10 nor  
21 more than \$500; or by imprisonment in jail for a period not to exceed one year, or by  
22 both.

23 \* Sec. 5. 17 AAC 20.010 is annulled.

**FISCAL NOTE**

Revision Date:  
Title: Prohibited Highway Advertising

Department Affected: DOT&PF  
BRU:

Sponsor: Frank  
Requestor:

Component:  
Component Serial Number:

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	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
<b>TOTAL OPERATING:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE	0	0	0	0	0	0
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**FUNDING: (Thousands of Dollars)**

1002 FEDERAL RECEIPTS	0	0	0	0	0	0
1003 GF MATCH	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/PROGRAM RECEIPTS	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
<b>TOTAL FUNDING:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**POSITIONS**

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

Estimate of current year (FY94) impact: \$ \_\_\_\_\_

**ANALYSIS: (Attach a separate page if necessary)**

See attached.

Prepared by: Jeffrey C. Ottesen

Phone: 465-2951

Division: Engineering & Operations Standards

Date: February 8, 1994

Approved by Commissioner: *B.A. Campbell*

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: February 9, 1994

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ANALYSIS (cont. from page 1):

The proposed changes would not materially alter the work required to enforce outdoor advertising laws. Efforts to verify that signs are not located within the right-of-way would increase due to more signs placed along the highway system. Further, on Highways of National Significance, where off-premises outdoor advertising would remain illegal, there would be an increase in illegal signs as businesses try to "equalize" their visibility with businesses located along highways where the relaxed advertising standards would apply. These increases would be offset by the fact that many businesses could install legal outdoor advertising, reducing some enforcement activity.

In the long term, outdoor advertising signs may have to be acquired as property for highway expansion projects. Nationally, outdoor advertising signs can be worth substantial sums, which could cause some construction projects to be more expensive. These future costs are not estimable at this time.



Department of Transportation  
and Public Facilities

# POSITION PAPER

BILL NO: SB 157

APPROVED: H. K. Sullivan  
DA. C. [unclear]

TITLE: Prohibited Highway Advertising DATE: February 9, 1994

This bill amends the prohibitions on off-premises, outdoor advertising, outside of the right-of-way, to the same degree as required by federal law. Alaska's current wholesale prohibition on off-premises, outdoor advertising would change in a number of ways:

### Where Off-Premises Outdoor Advertising Would Be Permitted

Highway Characteristics	Interstate	Primary Roads	Secondary Roads
Urban Areas	Allowable, subject to local laws.	Allowable, subject to local laws.	Allowable, subject to local laws.
Rural, industrial or commercial areas.	Allowable, subject to local laws.	Allowable, subject to local laws.	Allowable, subject to local laws.
Rural, not industrial or commercial.	Not allowed.	Not allowed.	Allowable, subject to local laws.
Rural, designated Scenic Byway.	Not allowed.	Not allowed.	Allowable, subject to local laws.

In general, the department supports the proposed legislation as it would greatly reduce the pressure to place illegal advertising, which routinely taxes limited department resources to patrol and regulate. We do however, have a number of technical comments and suggestions to offer:

**Advertising Within the Right-of-Way.** There are currently two methods whereby business owners may place advertising within the state right-of-way. These are the TODS (Tourist Oriented Directional Signs) Program, and the air-space leasing program. The department believes the statute in question should be amended to specifically authorize these programs in order to establish them in a firmer legal foundation. We are working with staff of the bill's sponsors to accomplish this.

For Further Information at 465-3904.

BILL NO: SB 157

TITLE: Prohibited Highway Advertising

DATE: February 9, 1994

**Enforcement.** Enforcement of outdoor advertising laws is a perennial duty, and one the department must continue or face federal sanctions on highway funding. Accordingly, we believe Section 4 should clarify that illegal outdoor advertising that constitutes a hazard to the traveling public be subject to instant removal, without notice by certified mail.

**Regulations and Fees.** The bill removes the department's authority to establish regulations defining the program. This could create difficulties, since the latitude in federal law is not clearly defined, leaving many details up to state policy. Without the authority to establish these details in regulations the department would have not the means to create rules that are binding on the public. This would be especially acute with regard to the industrial/commercial exemption, the TODS program and airspace leasing program — all of which have or will provide a significant benefit to the public. Without the ability to enforce the rules applicable to these programs and collect the applicable operational costs through fees, we may lose the ability to offer them.