

**SB**

**56**

**HFIN**

**FILE**

(11)

Date Referred to Committee: February 13, 1997

FURTHER REFERRALS:

Date of Committee Action: 2/21/97

The FINANCE Committee considered:

SB 56

SENATE BILL NO. 56

BUSINESS SIGNS/OUTDOOR ADVERTISING

"An Act relating to tourist oriented directional signs that are 90 inches in width and 18 inches in height, relating to penalties for violations related to outdoor advertising, and annulling a regulation of the Department of Transportation and Public Facilities."

recommends it be replaced with the following committee substitute HCS CS SB 56 (FIN)  the same title  a new title

additional referral to \_\_\_\_\_ Committee

attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

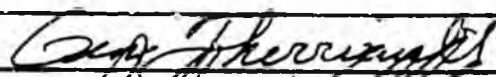


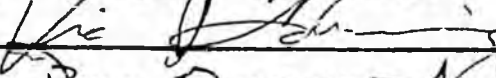
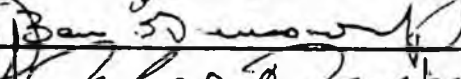



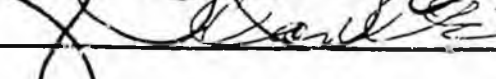
APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

fiscal note(s) DUTPF 1/29/97

zero fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
	Therriault	X			
	Kelly	X			
	Martin	X			
	Kohns	X			
	Gussendorf			X	
	J. Davies				X
	G. Davis			X	
	FOSTER	X			
	MOSES			X	

CO-CHAIR'S SIGNATURE



Therriault.

# FISCAL NOTE

No. 1

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO.

Bill Version: SB56

(S) Publish Date: 1/29/97

Revision Date: \_\_\_\_\_  
Title: Business Signs/Outdoor Advertizing

Dept. Affected: DOT&PF  
BRU: Engineering and Ocerations  
Component: Engineering and Operations

Sponsor: Senator Green  
Requester: Senate Transportation

COMPONENT SERIAL NO. 547

**Expenditures/Revenues**

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES	10.5	10.5	10.5	10.5	10.5	10.5
TRAVEL	1.0	1.0	1.0	1.0	1.0	1.0
CONTRACTUAL	10.0					
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>21.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	21.5	11.5	11.5	11.5	11.5	11.5
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>21.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>	<b>11.5</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

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

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

It is assumed that owners of the businesses will be responsible for sign purchase, installation, permits, easments, other rental agreements and maintenance of the signs should this bill become law. It is also assumed that all andministrative and organizational costs will rest with the business erecting the sign.

Currently, no other state allows placement of official directional signs on private property due to the difficulties in controlling and enforcing sign placement on private property

One technical engineer will be required to spend approximately one month to review and administer the state aspects of the program. Estimated cost on \$10,500 plus \$1000 for travel

Writing regulations is estimated to cost \$10,000, \$5,000 to write regulations and \$5,000 for public hearings.

Prepared by: Sam Kito III  
Special Assistant

Division: Office of the Commissioner

Approved by: Joseph L. Rubin  
Commissioner

Agency: Department of Transportation and Public Facilites

Phone: 465-3900

Date: 1/28/97

Date: 1/28/97

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# Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

## Twentieth Legislature ~ First Session

**SB 56:** "An Act relating to tourist oriented directional signs that are 90 inches in width and 18 inches in height, relating to penalties for violations related to outdoor advertising, and annulling a regulation of the Department of Transportation and Public Facilities"

The Alaska Environmental Lobby opposes this bill that provides for tourist oriented directional signs (TODS) outside the state right-of-way and on private property throughout Alaska's highways for the following reasons:

- This bill is not necessary. The Department of Transportation and Public Facilities (DOTPF) is already working on a program to provide signs to benefit business owners, thus fulfilling this bill's primary function to assist small businesses,
- This bill imposes a size restriction of 18 inches in height and 90 inches in width which creates signs that are difficult to read at highway speeds. As a result, further legislation that lifts or alters these restrictions inevitably will be introduced in the future,
- This bill makes it more difficult to enforce sign regulations, and it reduces the penalty from a misdemeanor to a violation with a fine not to exceed \$1,000 and as low as \$50. For a corporation like Princess Cruise Lines, this fine is hardly a deterrent for disregarding regulations.

In essence, this bill, which provides a benefit to small businesses that can be met with much less negative impact by DOTPF's program, is the first step towards billboards along our highways. Alaska's greatest natural resource and most valuable capital asset, our wondrous scenery, should not be subjected to the visual degradation these TODS will create.

Jody Kennedy, Volunteer  
Alaska Environmental Lobby

February 19, 1997



adopted NO/OBJ

2/21/97 - Attachment #1

(1)

AMENDMENT

amended N/O

TO: SB 56

DAVIES

Page 1

line 1 ~~after one~~ insert "up to"  
line 2 ~~after~~ and insert "up to"

page 3

line 14 insert [insert] may be up to 90 inches ...  
line 15 after width and insert "up to"

# ALASKA STATE LEGISLATURE



*Interim*

600 East Railroad Avenue  
Wasilla, Alaska 99654  
(907) 376-3370  
(907) 376-3157 Fax

*2021/22*

State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-6000  
Fax (907) 465-3805

**SENATOR LYDA GREEN**  
SENATE DISTRICT N

## **Sponsor Statement**

### **Senate Bill 56**

Senate Bill 56 amends Alaska Statute Title 19 to allow certain restricted exceptions to current outdoor advertising law in order to better serve the traveling public and provide increased opportunity for Alaskan businesses.

SB 56 establishes a category of outdoor advertising for business entities of significant interest to the traveling public and allows their placement in zoned/unzoned commercial or industrial areas along a state highway, subject to stringent restrictions.

SB 56 provides these directional signs be consistent with format and size standards established by the Department of Transportation and limits their placement as to proximity to the business thereby further mitigating any potential impact on the scenery visible from Alaska's highways.

Other provisions of SB 56 would codify in statute the existing DOT Tourist Oriented Directional Signs (TODS) program and clarify language providing municipal authority to enact by ordinance standards for directional signs adopted by the DOT or standards more restrictive than those provided by this measure.

Passage of SB 56 would provide long sought assistance to Alaska businesses dependent on trade with the traveling public as well as enhance the state's ability to be user-friendly for its tourists further promoting a responsive visitor industry. Identical legislation, SB 181 was passed by both bodies (vote was 33-3 in the House, 13-6 in the Senate, an override failed by just one vote) in the 19th Legislature. I respectfully request your support of SB 56.

# MEMORANDUM

# State of Alaska

Department of Transportation & Public Facilities  
Office of the Commissioner

TO: Boyd Brownfield, PE  
Deputy Commissioner

DATE: 18 February 1997

TELEPHONE NO: 465-3904

TEXT TELEPHONE: 465-3652

FAX NUMBER: 586-8365

FROM: Sam S. Kito III, PE  
Special Assistant

SUBJECT: SB 56

The department opposes Senate Bill 56 for the following reasons:

First, the department does not support establishing a category of sign over which the state does not have adequate jurisdictional control. Establishing a category of sign outside of state right-of-way, even if it is modeled after the existing TODS policy, is not in the states best interest. Enforcement of sign restrictions outside of state right-of-way would be extremely difficult and could potentially cost the department in additional legal and administrative costs.

Second, the department does not support changing the penalty for an offense relating to an outdoor advertising sign from a misdemeanor to a violation. The concern being that a sign owner could continue to construct illegal signs with no consequence other than a fine of not more than \$1,000. The department has limited enforcement capability and in some areas, it can take as long as four years to return to a stretch of highway to enforce sign restrictions. If the only penalty is a fine, the state would have no potential for additional recourse in the case of multiple violations.

Third, the department already has statutory authority to establish regulations governing TODS. We are currently in the process of establishing regulations which will provide a variety of sign options for roadside businesses. The additional statutory authority provided by SB 56 is redundant and unnecessary.

The bill is in the same form as SB181 which was passed by the 19th Alaska Legislature and vetoed by the Governor. SB 56 does the following:

- Provides the department with funding to establish regulations implementing the existing TODS policy.

- Annuls 17 AAC 20.010 which prohibits outdoor advertising within state right-of-way.
- Directs the department to establish a category of sign which has previously not existed in the state. That being TODS type advertising signs measuring 90 inches in width by 18 inches in height which would be placed between the edge of state right-of-way (typically 50 feet from the centerline of the highway) and 660 feet from the edge of the state right-of-way. The department is concerned that we would have inadequate resources to police violations of the proposed category of sign. The department is also concerned that the size of the sign will not be easily read from a vehicle traveling at highway speed. If the bill is passed, it is likely that the size limitation will not be maintained for long and that statutory changes increasing the size of the sign would soon follow.
- Downgrades the penalty for an offense of the outdoor advertising provisions of AS 19.25 from misdemeanor to a violation. This will decrease the incentive for the public to comply with the restrictions on outdoor advertising along state highways.

A short history of the issue follows:

In 1994, HB 367 was introduced which opened up the outdoor advertising issue. While HB 367 did pass the 18th Alaska Legislature, then Governor Hickel vetoed it stating that the bill was inconsistent with his goal to "upgrade Alaska's road system to National Scenic Highway standards."

Another bill, SB 181 was introduced during the 19<sup>th</sup> Alaska legislature. The bill passed the legislature but was vetoed by Governor Knowles in the interests of preserving Alaska's scenic beauty.

The constituencies involved in this issue are, business owners along state highways who would like to have greater a opportunity for advertising, and travelers on state highways who are concerned that we will end up with billboards all along the highway system.

The department does have a program in place by which a business can receive a standard sign within the state right-of-way. The program is called "Tourist Oriented Directional Signs" or TODS. The TODS policy is included as a part of the DOT&PF right-of-way Manual. The department does need to establish regulations to provide for the collection of the TODS permit fee.

The department has initiated the regulation process to implement the TODS program as well as two other programs, specific service signs (LOGO), and informational kiosks. The department hopes to have regulations in place for this comprehensive sign program by April 15, 1997.

The department recognizes that business owners should have some method of informing the traveling public of their location. Within the right-of-way, we have the TODS policy which is the only FHWA approved program for signs within the right-of-way. Between the right-of-way and the 360 foot threshold, there is currently no approved method of providing directional information on business activities.

A brief sectional analysis is included with this memo.

## SB 56 Sectional Analysis

- Sec. 1 -** LEGISLATIVE FINDINGS AND INTENT.
- Sec. 2 -** Amends AS19.25.105(a) which provides exemptions to the prohibition of outdoor advertising within 660 feet of the nearest edge of state right-of-way. The section is amended by adding sub-paragraph (a)(6) which permits erection of outdoor advertising if the signs comply with Section 4 of this Act.
- Sec. 3 -** Amends AS19.25.105(d) which provides exemptions to the prohibition of outdoor advertising within state right-of-way. The section is amended by adding sub-paragraph (d)(2) which permits erection of outdoor advertising if the signs comply with Section 4 of this Act.
- Sec. 4 -** Adds a new section to AS 19.25.105(e) which directs the department to establish a Tourist Oriented Directions Sign (TODS) program. The program will include signs both within and outside of state right-of-way. The signs must be 90 inches in width and 18 inches in height and may contain only the name of the attraction or the business providing the attraction of service, an icon representing the attraction or service, the distance to the attraction or service, and a directional arrow. The section states that the department will retain control over the location of directional signs. The department will have to establish regulations to enforce the provisions of this section.
- Sec. 5 -** Amends AS 19.25.130 changing an offense of the provisions of the Outdoor Advertising portion of AS 19.25 from a misdemeanor to a violation.
- Sec. 6 -** Amends AS 19.25.002 to exempt the Outdoor Advertising portion of AS 19.25 from misdemeanor penalties.
- Sec. 7 -** Section 6 annuls 17 AAC 20.010 which states "It shall be unlawful to place, erect, or maintain any outdoor advertising sign within the right-of-way of any highway or highway land, nor shall any permit be issued for the placement or erection of the sign. (Eff. 6/25/69, Register 30)" The department is already in violation of this regulation with respect to "airspace permits" which we issue on a regular basis. Annulment of this regulation will not permit any new activity, and it will invalidate existing activity.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH 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

February 4, 1997

**SUBJECT:** Fees for tourist oriented directional signs (SB 56)

**TO:** Senator Lyda Green  
Attn: Janie Winegar

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

You have asked whether the Department of Transportation and Public Facilities may charge the same fee for a tourist oriented directional (TOD) sign placed on state property as for a TOD sign placed on private property.

The answer to your question depends on the purpose for which the fee is charged. The Department of Transportation and Public Facilities may charge fees under three separate provisions of law:

ONE: under AS 19.05.040(11)<sup>1</sup> the department may charge fees for the use of state roads, highways, and rights-of-way;

TWO: under AS 44.42.020(b)(5)<sup>2</sup>, the department may charge reasonable fees for

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<sup>1</sup> AS 19.05.040 states:

**Powers of department.** The department [of Transportation and Public Facilities] may

....  
(11) establish, levy, and collect tolls, fees, charges, and rentals for the use of state roads, highways, bridges, tunnels, crossings, and causeways; and

<sup>2</sup> AS 44.42.020(b) states:

(b) The department [of Transportation and Public Facilities] may

....  
(5) charge reasonable fees to cover the costs of issuing easements, licenses, and permits and to cover the costs of reproduction, printing, mailing, and

(continued...)

the cost of issuing permits, easements, and licenses; and

THREE: under AS 44.42.020(b)(6)<sup>3</sup>, the department may charge and collect fees for technical assistance provided by department personnel.

Fees charged for the use of state highways and rights-of-way under AS 19.05.040(11) may only be charged for that purpose and may not be extended to apply to the use of private land adjacent to the right-of-way of a state highway. Similarly, a fee for an easement to use state right-of-way land under AS 44.42.020(b)(5) may only be charged for use of state land. The department does not have any authority to charge a fee for the use of private land. Under these provisions, the department cannot charge a fee related to a TOD sign that would be applicable to private property.

However, the department may charge a fee for the costs of issuing a permit for a TOD sign under AS 44.42.020(b)(5) that would be the same regardless of whether the sign was located on state land or private land. Likewise the department may charge a fee for the services provided by department employees who provide technical assistance in the design or location of a TOD sign under AS 44.42.020(b)(6) without regard for the location of the sign. The state incurs these costs regardless of whether the sign is located on state land or private land. In these two instances, the fee charged covers the expenses incurred by the department in considering, approving, or assisting in the location of the TOD sign and thus the fee could be the same for signs located on state land and for signs located on private land.

If I may be of further assistance, please advise.

GU:jdr  
97-079.jdr

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<sup>2</sup>(...continued)

distribution of contract and bid documents and design and construction standards manuals;

<sup>3</sup> AS 44.42.020(b) states:

(b) The department [of Transportation and Public Facilities] may

(6) charge and collect fees for training services and technical assistance provided by department personnel.

# MEMORANDUM

## State of Alaska

Department of Transportation and Public Facilities  
Engineering and Operations

TO: Boyd Brownfield, P.E.  
Deputy Commissioner

DATE: February 4, 1997

THRU: Mike Downing, P.E. *AMD*  
Director Engineering & Operations

FILE NO:

TELEPHONE NO: 465-2985

FAX NUMBER: 465-2490

TEXT TELEPHONE: 465-3652

FROM: Mark D. Kasberg *mk*  
Right of Way

SUBJECT: TODS Fees

Per the commissioner's office request, I have estimated the total funds received from the Tourist Oriented Directional Signing program to date.

Approximately 160 permits statewide x \$300 (\$100 application fee and \$200 permit fee) for total of \$48,000.

Please advise if I can be of further assistance.

sideway

### CHAPTER 20. MAINTENANCE.

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**Section**  
10. Outdoor advertising  
20. Closure and restriction

**Section**  
30. Transfer or excess equipment  
40. General

**17 AAC 20.010. OUTDOOR ADVERTISING.** It shall be unlawful to place, erect, or maintain any outdoor advertising sign within the right-of-way of any highway or highway lands, nor shall any permit be issued for the placement or erection of the sign. (Eff. 6/25/69, Register 30)

**Authority:** AS 19.05.020

**Editor's note:** The source of this section is former 14 AAC 2.391.2.

**17 AAC 20.020. CLOSURE AND RESTRICTION.** (a) The department may restrict the use of, or close, any highway whenever the department considers such closing or restriction of use necessary

- (1) for the protection of the public; or
- (2) for the protection of such highway from damage during storms, floods, thawing conditions or during construction or maintenance operations.

(b) The department will provide traffic guidance in case of restriction or provide suitable detour as soon as possible to minimize traffic delay.

(c) To notify the public that a highway is closed, or its use has been restricted, the department may

- (1) erect suitable barriers or obstructions at such locations upon the highway as will best serve the purpose;
- (2) post warnings or notices of the condition of any such highway;
- (3) post signs for the direction of traffic upon it, or to or upon other highway or detour open to public travel;
- (4) place warning devices upon such highways;
- (5) assign a flagman to warn, detour or direct traffic on such highway.

(d) Nothing within the above shall be construed to create any liability upon the state or any officer, employee, agent, or contractor of the state for failure to provide any or all of the above notices; however, willful failure or neglect to provide the notice shall be the subject of disciplinary action.

(e) Except in sudden emergencies, the department shall notify the nearest state police unit before closing or restricting the use of any highway, or before diverting traffic to any other highway or detour, in the manner provided in the preceding sections; whenever possible, such notice shall be in writing.

# Title 19. Highways and Ferries.

## Chapter

- 05. Administration (§§ 19.05.010 — 19.05.125)
- 10. State Highway System (§§ 19.10.010 — 19.10.270)
- 15. Financial Provisions (§§ 19.15.010 — 19.15.040)
- 20. Cooperation by and with the State (§§ 19.20.010 — 19.20.080)
- 22. Landscaping and Scenic Enhancement (§§ 19.22.010 — 19.22.030)
- 25. Protection and Use of State Highways and Roads (§§ 19.25.010 — 19.25.250)
- 27. Junk Yards (§§ 19.27.010 — 19.27.140)
- 30. Access Roads (§§ 19.30.020 — 19.30.320)
- 40. James Dalton Highway (§§ 19.40.010 — 19.40.290)
- 45. Miscellaneous Provisions: Definitions and Penalties (§§ 19.45.001, 19.45.002)
- 60. Ferry Terminal Facilities
- 65. Alaska Marine Highway System (§§ 19.65.011 — 19.65.100)

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**Revisor's notes.** — In 1977, "commissioner of transportation and public facilities" and "Department of Transportation and Public Facilities" were substituted for "commissioner of highways" and "Department of Highways" throughout the title in order to implement § 11, Executive Order No. 39 (1977). The provisions of this title were reworded in 1988 to remove personal pronouns pursuant to § 4, ch. 53, SLA 1982 and in 1988 and 1996 to make minor word changes under AS 01.05.031.

## Chapter 05. Administration.

### Article

- 1. Department of Transportation and Public Facilities (§§ 19.05.010 — 19.05.070)
- 2. Acquisition of Property (§§ 19.05.080 — 19.05.123)
- 3. General Provisions (§ 19.05.125)

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**Cross references.** — For definitions and penalties applicable to this chapter, see AS 19.45.001 and 19.45.002.

### Article 1. Department of Transportation and Public Facilities.

#### Section

- 10. Department to supervise highway system
- 20. Regulations
- 30. Duties of department
- 40. Powers of department

#### Section

- 50. Roads in tourist and trailer camps
- 60. Sale of obsolete equipment and material
- 70. Vacating and disposing of land and rights in land

**Sec. 19.05.010. Department to supervise highway system.** The department is responsible for the planning, construction, maintenance, protection, and control of the state highway system. (§ 1 art III title I ch 152 SLA 1957)

**Cross references.** — See note to AS 19.05.030.  
**Opinions of attorney general.** — Although there is no specific grant of authority to the Department of Transportation and Public Facilities to transfer highways to a municipality, the power to effectuate such a

transfer may be considered as implicit through the operation of AS 19.05.040, 19.05.060, 19.05.070, 19.10.020 and this section. January 1, 1987 Op. Att'y Gen.

The Department of Transportation and Public Fa-

Article 3. Encroachments In Highways.

- Section 200. Encroachment permits
- 210. Relocation or removal of encroachment
- 220. Unauthorized encroachments

- Section 230. Notice of removal
- 240. Summary removal
- 250. Removal after noncompliance: removal expense

**Opinions of attorney general.** — Encroachment under this article covers any intrusion into the highway right of way, including signs, or infringement of the limitations on use of the right of way. January 3, 1984 Op. Att'y Gen.

The Department of Transportation and Public Facilities may not collect the cost of removal of a sign or other object unless

the owner has had an opportunity to remove the object and save the cost. The department may use a fee payment schedule instead of figuring the actual removal cost in every case, as long as the schedule is based upon and reflects actual removal costs incurred by the department; and it may charge a reasonable fee for storing the sign. January 3, 1984 Op. Att'y Gen.

**Sec. 19.25.200. Encroachment permits.** (a) An encroachment may be constructed, placed, changed, or maintained across or along a highway, but only in accordance with regulations adopted by the department. An encroachment may not be constructed, placed, maintained, or changed until it is authorized by a written permit issued by the department, unless the department provides otherwise by regulation. The department may charge a fee for a permit issued under this section. The commissioner of administration shall separately account for encroachment permit fees that the department deposits in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the department to carry out the purposes of this section.

(b) The provisions under (a) of this section do not apply to a mailbox or a newspaper box attached to a mailbox. (§ 2 ch 64 SLA 1971; am § 41 ch 138 SLA 1986; am § 4 ch 142 SLA 1986)

**Effect of amendments.** — The first 1986 amendment added the third, fourth and fifth sentences and made grammatical changes in the second sentence.

The second 1986 amendment designated the existing language as subsection (a). In the second sentence of subsection (a) deleted "only" preceding "authorized"

and added the language "unless the department provides otherwise by regulation" and added subsection (b).

**Collateral references.** — 1 Am. Jur. 2d, Advertising, §§ 2, 7, 11, 24-26, 39 Am. Jur. 2d, Highways, Streets and Bridges, § 238.  
40 C.J.S., Highways, §§ 217-231.

**Sec. 19.25.210. Relocation or removal of encroachment.** If, incidental to the construction or maintenance of a state highway, the department determines and orders that an encroachment previously authorized by written permit must be changed, relocated, or removed, the owner of the encroachment shall change, relocate, or remove it at no expense to the state (except as provided in AS 19.25.020), within a

Title 19  
Highways and Ferries

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reasonable time set by the department. If the owner does not change, relocate, or remove an encroachment within the time set by the department, the encroachment shall be considered an unauthorized encroachment and subject to the provisions of AS 19.25.220 — 19.25.250. (§ 2 ch 64 SLA 1971)

**Sec. 19.25.220. Unauthorized encroachments.** If an unauthorized encroachment exists in, on, under, or over a state highway, the department may require the removal of the encroachment in the manner provided in AS 19.25.230 — 19.25.250. (§ 2 ch 64 SLA 1971)

**Sec. 19.25.230. Notice of removal.** Except as otherwise provided in AS 19.25.200, 19.25.210 and 19.25.240, notice shall be given the owner, occupant, or person in possession of the encroachment or to any other person causing or permitting the encroachment to exist, by serving upon any of them a notice demanding the removal of the encroachment. The notice must describe the encroachment complained of with reasonable certainty as to its character and location. Service of the notice may be made by certified mail. (§ 2 ch 64 SLA 1971)

**Sec. 19.25.240. Summary removal.** The department may at any time remove from a state highway or road an encroachment that obstructs or prevents the use of the highway or road by the public. (§ 2 ch 64 SLA 1971)

**Opinions of attorney general.** — The safety of persons using the road is of overriding importance when weighed against the interest of a sign owner who has illegally placed a sign where it threatens public safety. January 3, 1984 Op. Att'y Gen.

An encroachment which obstructs anyone's view of the road is one which "obstructs ... the highway or road" and also

presents a serious danger to the public. January 3, 1984 Op. Att'y Gen.

The Department of Transportation and Public Facilities may summarily remove a sign or other object it determines to be a visual obstruction or a safety hazard; so long as it protects the sign or other object upon removal, the department is protecting the owner's only recognizable interest. January 3, 1984 Op. Att'y Gen.

**Sec. 19.25.250. Removal after noncompliance; removal expense.** After a failure of the owner of an encroachment to comply with a notice or demand of the department under the provisions of AS 19.25.200, 19.25.210 and 19.25.230, the department may remove, or cause to be removed, the encroachment, and the owner of the encroachment shall pay to the department

- 1) the expenses of the removal of the encroachment;
- 2) all costs and expenses paid by the state as a result of a claim or claims filed against the state by third parties for damages due to delays because the encroachment was not changed, removed, or relocated according to the order of the department; and

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

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

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JAN 06 1995

Ans'd.....

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

## MEMORANDUM

December 29, 1995

**SUBJECT:** Experimental Tourist Oriented Directional Sign Program  
(Work Order No. 9-LS1412)

**TO:** Senator Lyda Green  
Attn: Brett Huber

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

This memorandum is in response to your inquiry as to legal status of the experimental tourist oriented directional sign (TODS) program of the Department of Transportation and Public Facilities (DOTPF).

DOTPF has established a limited TODS program on an experimental basis. The experimental TODS program allows organized groups and businesses to have signs installed in the right-of-way of certain roads in the state. The signs inform the traveling public of the name of a business or organization, the services that it provides, and the direction and distance to its location. One of the purposes of the experimental program is to provide DOTPF with information necessary to develop regulations for a full scale TODS program. The TODS program is an element of the federal aid highway programs. The Congress has directed the Secretary of the federal Department of Transportation to encourage states to provide for tourist oriented directional signs along interstate and federal aid primary roads. P.L. 102-240, Title I, Part A, §1059; 105 Stat. 2003.

DOTPF has implicit authority to implement a TODS program under AS 19.05.010, 19.05.030(1), 19.05.040, and AS 44.42.020(a)<sup>1/</sup> and explicit authority under AS 19.10.040<sup>2/</sup>.

---

<sup>1/</sup> Alaska Statutes 19.05.010 states:

The department is responsible for the planning, construction, maintenance, protection, and control of the state highway system.

Alaska Statutes 19.05.030(1) states:

The department has the following duties:

(1) direct approved highway planning and construction and maintenance, protection and  
(continued...)

The procedures and standards for issuance of a permit to install a tourist oriented directional sign are set out in a document entitled "Policy for Experimental Tourist Oriented Directional Signing" (dated April 1991). DOTPF has not adopted regulations to implement the procedures and policies outlined in the Policy statement.

Under AS 19.05.020, AS 44.42.030, and AS 44.62 (Administrative Procedure Act), DOTPF must adopt regulations in accordance with the procedures set out in AS 44.62. A regulation is a "rule, regulation, order, or standard of general application" including " 'manuals,' 'policies,' 'instructions,' 'guides to enforcement,' 'interpretive bulletins,' 'interpretations,' and the like that have the effect of rules, orders, regulations or standards of general application". AS 44.62.640(a)(3); emphasis added. The Alaska Supreme Court has identified two indicia of a regulation. First, a regulation implements, interprets, or makes specific the law enforced

---

<sup>1</sup>(...continued)

control of highways;

...

Alaska Statutes 19.05.040 states:

Sec. 19.05.040. POWERS OF DEPARTMENT. The department may

...

(4) acquire rights-of-way for present or future use;

(5) control access to highways;

(6) regulate roadside development;

(7) preserve and maintain the scenic beauty along state highways;

... ; and

(12) exercise any other power necessary to carry out the purpose of AS 19.05 - AS 19.25.

Alaska Statutes 44.42.020(a) states:

(a) The department shall

(1) plan, design, construct and maintain all state modes of transportation and transportation facilities and all docks, floats, breakwaters, buildings and similar facilities;

...

(6) cooperate and coordinate with and enter into agreements with federal, state and local government agencies and private organizations and persons in exercising its powers and duties;

(7) manage, operate, and maintain state transportation facilities and all docks, floats, breakwaters and buildings, including all state highways, vessels, railroads, pipelines, airports, and aviation facilities;

...

<sup>2</sup> Alaska Statutes 19.10.040 states:

Sec. 19.10.040. UNIFORM SYSTEM OF MARKING AND POSTING. The department shall classify, designate, and mark highways under its jurisdiction and shall provide a uniform system of marking and posting these highways. The system of marking and posting must correlate with and, as far as possible, conform to the recommendations of the Manual on Traffic Control Devices as adopted by the American Association of State Highway Officials.

Senator Lyda Green

December 29, 1995

Page 3

or administered by the agency. Kenai Peninsula Fisherman's Cooperative Association, Inc. v. State, 628 P.2d 897, 905 (Alaska 1981). The standards utilized by DOTPF for the issuance of a permit under the experimental TODS program do implement and make specific the law enforced by the department under AS 19 and AS 44.42. Second, a regulation affects the public or is used by the agency in dealing with the public. Id. The standards for the experimental TODS program clearly affect the public and are used by DOTPF in its dealings with the public regarding tourist oriented directional signs. The DOTPF policy for the experimental TODS program has the effect of a regulation and is a standard of general application. Thus, the policy is a regulation and must be adopted as a regulation in accordance with AS 44.62.<sup>27</sup>

"The failure of an agency to substantially comply with [AS 44.62] in adopting regulatory changes renders the action invalid." Turpin v. North Slope Borough, 879 P.2d 1009, 1014 (Alaska 1994). A policy that has not been adopted as regulations is invalid and unenforceable. Kenai Peninsula, 628 P.2d at 906; Gilbert v. State Department of Fish and Game, 803 P.2d 391, 397 (Alaska 1990). DOTPF cannot rely upon the policy as a basis for operating the experimental TODS program until the department has complied with the regulation adoption procedures of AS 44.62. Kenai Peninsula, 628 P.2d at 906. If a person challenges the TODS policy, such as a person who is denied participation in the program or who objects to a competitor being allowed to install a sign, the courts can be expected to invalidate the experimental TODS program and require DOTPF to adopt the necessary regulations.

## CONCLUSION

The procedures and standards set out in the policy for the experimental TODS program are consistent with DOTPF's authority to regulate use of highway rights-of-way under AS 19 and AS 44. The department has the necessary statutory authority to adopt the experimental TODS program policy as regulations. However, unless DOTPF adopts the TODS policy as a regulation by complying with AS 44.62, DOTPF runs the risk that a court will invalidate policy and suspend operation of the program until the department complies with the rule making procedures of AS 44.62.

If I may be of further assistance, please advise.

GU:lmb  
95-297.lmb

---

<sup>27</sup> Policies governing the internal matters and operation of an agency are outside of the scope of the Administrative Procedure Act and are not required to be adopted as regulations. Messerli v. Department of Natural Resources, 768 P.2d 1112 (Alaska 1987). However, the TODS policy of DOTPF does not qualify for the internal management exception to the Administrative Procedure Act, because the TODS policy directly affects the departments relationship with the public and expands upon the statutory law governing signs along highways.



# ALASKA CAMPGROUND OWNERS' ASSOCIATION

P.O. Box 84884 Fairbanks, Alaska 99708 (907) 474-8088

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Linda Jernigan

Tok RV Village

Tok

Southeast Region

Arnie Olsson

Port Chitoot

Halasa

Central Peninsula Region

Paul Vassar

Lookout RV Park

Kanai

February 22, 1996

Senator Lyda Green  
State Capitol  
Juneau, Ak. 99801

Dear Senator Green:

I am writing on behalf of the Alaska Campground Owners Association in support of the 2/19/96 draft of SB 181, relating to tourist oriented directional signs. This legislation has a long history, as you know, and we believe that the current language will meet the needs of our members and the traveling public without interfering with the natural beauty of this state.

The ACOA identified several years ago a need for better information on the highways for the traveling public. This is particularly true for those campgrounds and other small businesses that are located off the highway. Legislation in prior years would have allowed larger signs and more locations to place them. The ACOA is willing, however, to support this bill, since it does place the TODS program into statute and creates some additional sites for placing the standard TODS-type signs.

I appreciate the opportunity to address this important piece of legislation, and I also appreciate your continuing support of the small business community.

Sincerely,

Rick Barrier, President

cc: Senate State Affairs Committee  
Senators Pearce, Halford, Frank, Miller, Sharp



# ALASKA VISITORS ASSOCIATION

3201 C Street, Suite 403 • Anchorage, Alaska 99503

Tel: (907) 561-5733 • Fax: (907) 561-5727

1995-96

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Windong Alaska Properties

Mitch Unibelli

Sourdough Cabins

Tina Lindgren

Executive Director

February 23, 1996

Senator Lyda Green  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Green:

On behalf of the Alaska Visitors Association, I would like to thank you and Senate co-sponsors Drue Pearce, Rick Halford, Steve Frank, Mike Miller and Bert Sharp for your continued work on legislation to address existing problems with directional sign prohibitions. As the statewide trade association representing the visitor industry in Alaska, we agree that Alaska's highways need to be more user friendly to the visitor, while maintaining the scenic quality of the highway experience.

We have reviewed the most recent draft of Senate Bill 181, and approve of the its approach to limit the scope of changes to Alaska's sign statutes for directional sign purposes only. We also applaud the addition of language that restricts signage size to 90 inches by 18 inches, therefore eliminating the potential for being labeled as billboard-type advertising.

AVA has long supported legislation that would allow directional signs on private property that is zoned or designated as commercial or industrial by use patterns as allowed by federal law. We further appreciate SB 181's intent to bring state signage restrictions in line with more flexible federal law. At the same time, AVA also agrees with the stipulation that sign location, design, and content be consistent with standards approved by the Federal Highway Administration.

Thank you again for your time and attention to this important issue affecting hundreds of tourism businesses along Alaska's highways.

Sincerely,

Tina Lindgren  
Executive Director

cc: SB181 co-sponsors: Drue Pearce, Rick Halford, Steve Frank, Mike Miller, Bert Sharp  
DOT/PF Commissioner Joe Perkins

RECEIVED

FEB 23 1996

Ans'd.....

# LEGAL SERVICES

## DIVISION OF LEGAL AND RESEARCH SERVICES LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

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

### MEMORANDUM

March 26, 1996

**SUBJECT:** Tourist Oriented Directional Sign Program (SB 181)

**TO:** Senator Lyda Green  
Attn: Brett Huber

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

You have asked whether the State of Alaska may establish a tourist oriented directional program in the Department of Transportation and Public Facilities to serve as an umbrella program for a tourist oriented directional sign program within highway rights-of-way and for an analogous program on land adjacent to highway rights-of-way.

Based on a review of the scant references to tourist oriented directional signs in the United States Code (23 U.S.C. 131 note) and the Code of Federal Regulations, I found nothing to indicate that the state is prohibited from establishing a program for tourist oriented directional signs within highway rights-of-way and on land adjacent to highway rights-of-way. According to the information that I have received, tourist oriented directional signs within the highway right-of-way may be installed under the auspices of a program administered by the Federal Highway Administration. The federal tourist oriented directional sign program does not extend to lands outside of the right-of-way.

There is no apparent prohibition against the state establishing a program comparable to the federal tourist oriented directional sign program, but which is applicable to land adjacent to highway rights-of-way. However, signs outside of the highway right-of-way are subject to the restrictions imposed under the federal programs regarding outdoor advertising. The state must be careful that its program for tourist oriented directional signs on land adjacent to highway rights-of-way complies with federal regulations regarding outdoor advertising adjacent to federal aid highways.

I am unaware of any federal restriction or prohibition that would preclude the state from establishing a bifurcated tourist oriented directional sign program that complies with the federal tourist oriented directional sign program for such signs within highway rights-of-way and with the federal outdoor advertising program for such signs on lands outside of the highway rights-of-way.

If I may be of further assistance, please advise.

GU:glc:klb  
96-185.glc



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

Alaska Division

P.O. Box 21648  
Juneau, Alaska 99802

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MAR 26 1996

Ans'd.....

March 25, 1996

HRW-AK  
ROW-04

Senator Lyda Green  
Alaska State Senate  
Room 423, State Capital  
Juneau, Alaska 99801-1182

Dear Senator Green:

Outdoor Advertising Control

Brett Huber, of your staff, recently asked if 18" X 90" traveler information signs, located outside of the highway right-of-way, in zoned or unzoned commercial or industrial areas would conform to federal requirements. Signs of the type described would be considered outdoor advertising devices subject to the provisions of 23 CFR 750 Subpart G - Outdoor Advertising Control. Signs erected and maintained in compliance with the provisions of this Subpart and approved State implementing regulations would be in conformance with Federal requirements.

Such signs could be erected within 660 feet of the right-of-way in commercial or industrial zones and in unzoned commercial or industrial areas, as defined in the agreement between the U.S. Secretary of Transportation (Secretary) and the State. Signs erected would have to comply with the size, lighting and spacing criteria contained in the agreement between the Secretary and the State.

The Alaska Agreement was signed March 29, 1968. It provides the following criteria which would apply to the situation in question.

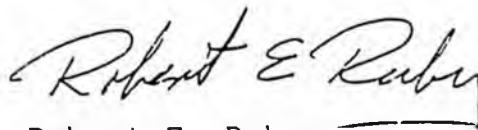
Size: A maximum area of 650 square feet with a maximum height of 20 feet and a maximum length of 50 feet.

Spacing: Not located where they would obscure official traffic control devices or obstruct the drivers view of traffic. Not less than 100 feet apart in villages and cities. Not less than 300 feet apart in rural areas. Not less than 500 feet apart adjacent to controlled access facilities or within 2000 feet their interchanges or intersections.

Lighting: No flashing intermittent or moving lights. No lighting that would interfere with driver's operation of a motor vehicle.

We are available to meet with you or your staff to further discuss or clarify our position regarding this subject or other concerns with outdoor advertising or motorist information systems.

Sincerely yours,

A handwritten signature in cursive script that reads "Robert E. Ruby". The signature is written in dark ink and is positioned above the typed name and title.

Robert E. Ruby  
Division Administrator

cc: Rick Halford, Co-Chair Senate Finance Committee (Room 508)

**TOURIST & BUSINESS ORIENTED**

**SIGN TASK FORCE**

**REPORT TO:**

**JOSEPH L. PERKINS, P.E., COMMISSIONER**

**DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**

**Date of Report**

**JANUARY 15, 1997**

**Task Force Members**

**Mark Kasberg, DOT & PF Headquarters ROW, Chairperson**

**Linda Anderson, Member Alaska Campground Owners Association**

**Sandi Anderson, DOT & PF, Statewide Planning Section**

**James Bryson, Federal Highway Administration**

**Stephanie Gordor, Kenai Peninsula Tourist and Marketing Council**

**Margaret Holland, DOT & PF, Central Region Director's Office**

**John Stein, Member Mat-Su Visitors Association**

**Ron Tanner, DOT & PF, N. Region Traffic Engineer**

**Tyson Verse, Haines Visitors Association**

**Wendy Wolf, Division of Tourism**

## TABLE OF CONTENTS

	Page
INTRODUCTION.....	1
SUMMARY OF RECOMMENDATIONS.....	2
TOURIST ORIENTED DIRECTIONAL SIGNS .....	3
RECREATIONAL AND CULTURAL INTEREST AREA SIGNS.....	3
LOGO SIGNING.....	4
GENERAL SERVICE SIGNS.....	4
INFORMATIONAL PLAZAS (KIOSK) .....	5
SIGN REVIEW.....	5
REVIEW BOARD .....	5
OTHER SUGGESTIONS AND COMMENTS.....	6
FUNDING FOR RECOMMENDATIONS.....	7

## INTRODUCTION

A ten member sign task force was appointed by Deputy Commissioner Boyd Brownfield in November of 1996. The membership is comprised of representatives from the tourism industry, various visitors associations, Federal Highway Administration, and Department of Transportation and Public Facilities.

The goal of the task force was to suggest ways of addressing Alaska's tourist and business related signage needs while avoiding sign proliferation. We acknowledge that off-premise advertising sign programs will never address the perceived needs of all business owners. We hope to accomplish our goal by the recommendation of measures that will be beneficial to businesses, residents, and visitors to the State of Alaska.

Members of the task force reviewed the programs currently being used by the Department of Transportation and Public Facilities for tourist related activities and businesses. A matrix was suggested, and a preliminary draft developed showing the programs available for different road classes (controlled access and conventional road) as well as rural and urban environments.

### The Current Programs Reviewed Include:

- TOURIST ORIENTED DIRECTIONAL SIGNAGE POLICY (TODS)
  - Individual TODS Signs
  - Community Service Signs
- GENERAL SERVICE SIGNS (Policy for their use is contained in the Alaska supplement to the federal Manual On Uniform Traffic Control Devices [MUTCD])
- RECREATIONAL & CULTURAL INTEREST AREA SIGNS (Draft Policy)
- SEEKER PANEL (Requirements for use are in the Alaska Supplement to the MUTCD)

### New Programs Considered:

- A) Specific Service Signs (LOGO) are available for Camping, Lodging, Food, and Gas services. (It is possible that Tourist Activities may be included in the future.) This program is available and in compliance with the federal Manual on Uniform Traffic Control Devices (MUTCD). A Specific Service (LOGO) program is recommended in order to address areas where no policy exists. Guidelines would need to be developed before this signing program could be implemented.
- B) An Informational Plaza (Kiosk) system for the highway system, harbor facilities, and rural airports is one type of program being recommended.

## SUMMARY OF RECOMMENDATIONS

1. The Department of Transportation and Public Facilities should develop comprehensive sign regulations which will cover existing and proposed tourist and business related signing programs. These programs include:
  - A. Tourist Oriented Directional Signing (TODS)
  - B. Recreational and Cultural Interest Area Signs
  - C. Specific Service Signs (LOGO)
  - D. General Service Signs
  - E. Informational Plazas (Kiosk)
2. Develop and fund a Sign Review, Replacement and Removal program for the National Highway System and those highways designated as State Scenic Highways
3. Create a review board to ensure the consistency of program implementation
4. Other suggestions and comments

## COMPREHENSIVE SIGN REGULATIONS

There are five subsections to the proposed comprehensive sign regulations. Many of these subsections have sign programs that overlap each other. The existing and new programs need to be consistent amongst themselves. It will be necessary to review them as a package to insure consistency and priority.

### Revise Existing Tourist Oriented Directional Signing (TODS)



TODS has proven itself to be a program that works well in rural environments. Many businesses which may be of interest or service to tourists are not visible from the main through-routes, and federal/state laws severely restrict off-premise outdoor advertising. The TODS program functions as a means to allow signing for businesses in these areas.

*Recommendation: When incorporating TODS into the proposed comprehensive sign regulation, the Task Force recommends the following:*

- *Adding a cancellation clause to the TODS permit*
- *Establish a duration for the TODS permit (Five years, then reevaluate)*
- *Set annual fees for TODS*
- *Review the Specific Eligibility Requirements*
- *Review the list of areas excluded from TODS participation (i.e., congested areas)*
- *Add further clarification in some areas of the current policy*
- *Better integration of the other programs which will become available*

### Recreational and Cultural Interest Area Signs



The tourism industry in Alaska has experienced significant expansion over the last several years. This has resulted in both increased development and demand for recreational and cultural facilities along our highway system. A number of current facilities and locations lack adequate directional signing, and can only be located by motorists through word of mouth, highway maps, and travel publications such as The Milepost.

DOT&PF has a "draft" policy for the Recreational and Cultural Interest Area Signs. The task force has reviewed this policy.

*Recommendation: DOT&PF adopt and incorporate a Recreational and Cultural Interest Area Sign Policy in the proposed comprehensive sign regulation.*

## Specific Service Signing (LOGO)



A Specific Service (LOGO) sign consists of a main panel with from one to six individual logo panels. A business logo may consist of the business identification symbol, name, brand, trademark, or combination. The logo should have a blue background with a white legend and border. Where business identification symbols or trademarks are used alone for a logo, the border may be omitted, the symbol or trademark shall be reproduced in the colors and general shape consistent with customary use, and any internal legend shall be in proportionate size. Messages, symbols, and trademarks which resemble any official traffic control device shall not be used.

Currently DOT/PF has no LOGO program. LOGO signing could provide travelers with business identification and directional information for essential motorist services (gas, food, lodging, camping and possibly tourist attractions). **Unlike most other types of programs, LOGO signs may be used on any class of highway and in urban areas under special circumstances.**

*Recommendation: DOT/PF develop a LOGO Signing Policy*

## General Service Signs



General Service Signing is the oldest of the programs utilized to inform motorist of the services that are available. The signs are generally not necessary where the service or facility is readily visible from the roadway; is marked by other signing; or is located within or immediately adjacent to the built-up part of an urbanized area. The signs typically cover the following types of services: Gas, Diesel, Food, Lodging, Camping, Rest Areas, Parking Areas, Scenic Viewpoints, Phone, Hospital, Emergency Services, Police or Troopers, Disposal Sites, and Tourist Information. The signs usually allowed within urban areas are Camping, Hospital, Emergency Medical Services, Disposal Site, and Tourist Information. Currently neither business or location names are allowed with this type of signing.

The Policy for these signs is contained in the Alaska Supplement to the MUTCD.

*Recommendation: DOT&PF incorporate the General Service Signing in the proposed comprehensive regulation.*

## Informational Plazas (Kiosk)

A kiosk system could function in five ways:

1. An inexpensive and practical solution to the problem of providing tourist information at the approaches to built-up areas
2. A single, central information center in areas where there would otherwise be a heavy demand for individual signs
3. Information and orientation devices at harbor facilities, airports, and downtown areas
4. Emergency shelters at rural airports (If designed in such a manner)
5. A possible location for emergency phone service (call boxes)

*Recommendation: Develop an informational plaza (Kiosk system) design that could be used statewide. The design should be made available to the public and private sector.*

## SIGN REVIEW

There are many state and federal sign designations for highways and cultural/recreational locations that have been addressed with sign programs such as Watchable Wildlife, the Forest Service Scenic Highway, State and Federal Parks, etc.. As the Scenic Highway designation is granted/awarded to state highways, DOT&PF should take it upon itself to review all existing signs and those being requested. To preserve the natural beauty of the roadway, DOT&PF will want to consider the elimination of as many unnecessary signs as possible.

*Recommendation: Develop and fund a Sign Review, Replacement and Removal program for the National Highway System, and those highways designated as State Scenic Highways.*

## REVIEW BOARD

Currently the regional traffic sections handle the majority of the sign programs. Regional Right Of Way sections handle TODS and right of way leasing. With six different sections handling the signing functions statewide, there exists a possibility for inconsistency in the interpretation of the signing programs. It was felt that a review board would help to eliminate inconsistencies. It will still be necessary for the Traffic Section to review the application to make sure the existing regulatory, warning, and guide signs are not compromised by the installation of the new signs.

*Recommendation: A review board would help ensure statewide consistency of the proposed comprehensive signing regulations.*

## OTHER SUGGESTIONS AND COMMENTS:

The task force recognizes that there are many sign-related issues that are important, but not necessarily addressed by the recommendations in the preceding pages. The following suggestions and comments may not warrant regulation, but should be addressed nonetheless:

- Signs which identify or designate special routes, areas, or sites such as scenic highways signs, the watchable wildlife logo, and the seeker panel, are exceptions to existing programs. Provisions need to be made to accommodate these non-standard signs within existing programs.
- DOT&PF should inform the traveling public about official business / tourist related signs on official state maps, and in publications such as The Milepost.
- DOT should review existing icons (and possibly logos) which are utilized in the media and literature distributed to Alaskan visitor, and to the extent possible, utilize those established features. When it is necessary to support new programs or signs for visitor activities, the Department should work with the media to facilitate a high recognition of the new programs.
- Many of the milepost markers are missing, and should be reinstalled as the traveling public uses The Milepost and other highway publications as part of their reference system. A separate evaluation should be made of those roads which do not currently have milepost markers, and determine which of them would benefit from having them installed.
- When comprehensive sign regulations are enacted, develop a brochure for businesses which explains (in laymen's terms) the sign programs available and discusses requirements and qualifications for each program.
- Emergency phones (call boxes) are needed along our transportation system. These could be incorporated into the proposed Informational Plazas (Kiosk) wherever possible.
- The task force supports the concept of an "intranet" for the Alaska Marine Highway System (AMHS). The onboard system would allow visitors to preview services and attractions available at the various ports of call. The system would have the look and feel of the internet, but would in fact be an "intranet", a closed system created specifically for the AMHS.

## FUNDING FOR RECOMMENDATIONS

Please note that the Task Force has not researched the cost of these recommendations.

### *Recommendation number 1*

***"The Department of Transportation and Public Facilities should develop a comprehensive sign regulation which outlines the various existing and proposed tourist and business related signing programs. These programs include: Tourist Oriented Directional Signing (TODS); Recreational and Cultural Interest Area Signs; Specific Service Signs (LOGO); and Informational Plazas (Kiosk)."***

Once this proposed comprehensive sign regulation is implemented, the cost of administration, materials, labor and maintenance could be passed on to the applicant who is directly benefiting from the sign.

### *Recommendation number 2*

***"Develop and fund a Sign Review, Replacement and Removal program for the National Highway System and those highways designated as State Scenic Highways."***

Possible source(s) of funding will have to be identified.

### *Recommendation number 3*

***The creation of a review board.***

This should consist of existing DOT&PF personnel, who would reserve the option of inviting other individuals with outside expertise into the process.

amendment #1

**SENATE BILL NO. 56**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - FIRST SESSION**

**BY SENATORS GREEN, Pearce**

**Introduced: 1/21/97**

**Referred: Transportation, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to tourist oriented directional signs that are 90 inches in width  
2 and 18 inches in height, relating to penalties for violations related to outdoor  
3 advertising, and annulling a regulation of the Department of Transportation and  
4 Public Facilities."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* Section 1. LEGISLATIVE FINDINGS; INTENT. (a) The Alaska State Legislature finds  
7 that

8 (1) the scenic beauty of Alaska is unquestionably unique and is revered by  
9 residents of the state as well as visitors to Alaska;

10 (2) it is imperative that the State of Alaska maintain its scenic highway system  
11 throughout the state for the benefit of residents of Alaska and visitors to Alaska;

12 (3) it is also imperative that residents of Alaska and visitors to Alaska travel in  
13 a safe manner on the state highway system and that the safety of the residents of Alaska and  
14 visitors to Alaska be assured by a system of directional signing for traveler oriented attractions.

1 and services.

2 (b) It is the intent of the Alaska State Legislature to provide better information to  
3 motorists by authorizing a well planned and regulated system of directional signing for traveler  
4 oriented attractions and services in a manner similar to the current tourist oriented directional  
5 sign program that has been established under policies of the Department of Transportation and  
6 Public Facilities and in a manner consistent with standards established by the Federal Highway  
7 Administration and the Manual of Uniform Traffic Control Devices.

8 \* Sec. 2. AS 19.25.105(a) is amended to read:

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

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

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

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

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

23 (5) advertising on bus benches or bus shelters, and adjacent trash  
24 receptacles, if the state determines that the advertising conforms to local, state, and  
25 federal standards for interstate and primary highways;

26 (6) tourist oriented directional signs erected under (e) of this  
27 section.

28 \* Sec. 3. AS 19.25.105(d) is amended to read:

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

32 (1) bus benches and bus shelters, and adjacent trash receptacles, located

1 within the right-of-way under the authority of a permit issued under AS 19.25.200, if  
 2 the bus benches or bus shelters are located within a borough or unified municipality  
 3 and the buses that stop at that location operate during the entire year; and  
 4 (2) tourist oriented directional signs erected under (e) of this  
 5 section.

6 \* Sec. 4. AS 19.25.105 is amended by adding a new subsection to read:

7 (e) The department shall establish a tourist oriented directional sign program.

8 The department shall erect, or permit the erection of, directional signs for traveler  
 9 oriented attractions and services within and outside of the rights-of-way of interstate,  
 10 primary, and secondary highways in areas zoned industrial or commercial or in  
 11 unzoned areas determined to be commercial or industrial areas. The signs may be  
 12 erected on private land adjacent to the rights-of-way of interstate, primary, and  
 13 secondary highways in this state if permission for the erection of the sign is granted  
 14 by the owner of the private land. The sign, excluding posts, must be 90 inches in  
 15 width and 18 inches in height and may contain only the name of the attraction or the  
 16 business providing the attraction or service, an icon representing the attraction or  
 17 service, the distance to the attraction or service, and a directional arrow. The location  
 18 of directional signs within a right-of-way and the design and content of directional  
 19 signs must be consistent with standards approved by the Federal Highway  
 20 Administration. The department shall retain control over the location of directional  
 21 signs. In scenic areas, the department shall control the location of directional signs in  
 22 a manner that maintains the quality of scenic areas.

23 [\* Sec. 5.] AS 19.25.130 is amended to read:

24 Sec. 19.25.130. **Penalty for violation.** A person who violates AS 19.25.080  
 25 - 19.25.180, or a regulation adopted under AS 19.25.080 - 19.25.180 [THEM], is guilty  
 26 of a violation [MISDEMEANOR] and upon conviction is punishable by a fine of not  
 27 less than \$<sup>2500</sup>50 nor more than \$<sup>5000</sup>1,000.

28 [\* Sec. 6.] AS 19.45.002 is amended to read:

29 Sec. 19.45.002. **Penalties.** A person who violates a [ANY] provision of  
 30 AS 19.05 - AS 19.25, other than a provision of AS 19.25.080 - 19.25.180, is guilty  
 31 of a misdemeanor and upon conviction is punishable by a fine of not less than \$10 nor

- 1 more than \$500, or by imprisonment in jail for a period not to exceed one year, or by
- 2 both.
- 3 \* Sec. 7. 17 AAC 20.010 is annulled.

[ Section 8 - section 7 is effective  
Sept 1 1997 ]