APPENDIX

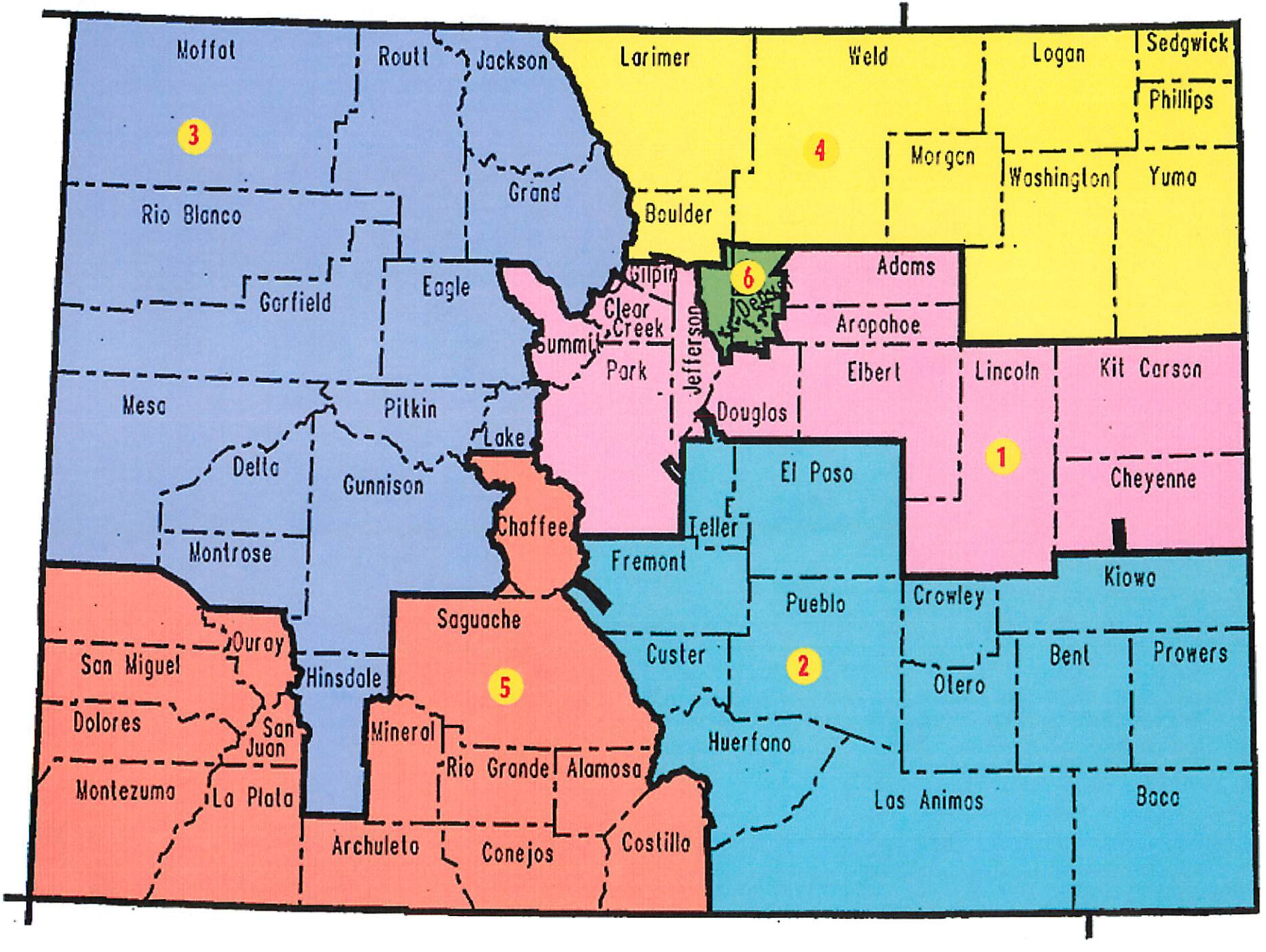
to

Colorado Outdoor Advertising Control Manual

APPENDIX A

Colorado Region Boundaries Map

CDOT TRANSPORTATION REGIONS



APPENDIX B

Colorado Control Routes Counties

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Adams	Brighton	022A		0	2.476
Adams	Commerce	044A	104th Av	0	2.245
Adams	Commerce	002D	Sable Bd	0.084	0.104
Adams	Brighton	002D	Sable Bd	0.104	4.999
Adams	Watkins	070L		0.129	0.315
Adams	Bennett	079A		0.745	1.277
Adams	Commerce	270A		0.925	4.259
Adams	Commerce	265A	Brighton Bd	1.198	3.621
Adams	Bennett	079B		1.58	1.84
Adams	Commerce	224A	74th Av	2.861	3.634
Adams	Thornton	044A	104th Av	3.489	4.958
Adams	Denver	088A	Federal Bd	7.552	7.608
Adams	Commerce	076A		8.844	17.14
Adams	Commerce	002A	Colorado Bd	9.587	9.842
Adams	Aurora	225A		10.158	11.997
Adams	Commerce	002B	Hansen Bd	11.001	13.345
Adams	Westminster	095A	Sheridan Bd	11.844	13.756
Adams	Westminster	128B	120th Av	12.199	13.878
Adams	Commerce	002C		12.895	18.542
Adams	Arvada	095A	Sheridan Bd	12.975	13.188
Adams	Northglenn	128B	120th Av	13.878	13.999
Adams	Brighton	076A		17.227	24.577
Adams	Aurora	470B	E 470	20.745	24.503
Adams	Commerce	470B	E 470	29.346	35.455
Adams	Brighton	470B	E 470	35.471	38.767
Adams	Thornton	470B	E 470	41.574	46.393
Adams	Broomfield	470B	E 470	46.393	46.398
Adams	Westminster	036B	Denver/Boulder Turnpike	52.703	55.357
Adams	Thornton	007D	Bridge St	68.565	72.94
Adams	Aurora	036C	Adams St	76.467	84.762
Adams	Brighton	007D	Bridge St	76.592	81.644
Adams	Watkins	036C	Adams St	78.702	81.653
Adams	Bennett	036C	Adams St	88.825	88.836
Adams	Bennett	036C	Colfax St	88.836	89.21
Adams	Bennett	036D		89.126	89.326
Adams	Thornton	025A		218.223	227.335
Adams	Northglenn	025A		220.407	223.05
Adams	Westminster	025A		223.05	225.819
Adams	Broomfield	025A		226.841	229.107
Adams	Commerce	085C		227.341	229.749
Adams	Brighton	085C		229.749	235.603
Adams	Aurora	070A	Purple Heart Memorial Hwy	282.563	288.148
Adams	Denver	287C	Federal Bd	286.351	286.422

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Adams	Westminster	287C	Federal Bd	288.384	294.751
Adams	Federal	287C	Federal Bd	290.77	292.779
Adams	Commerce	006H	Vasquez Bd	292.054	295.286
Adams	Northglenn	287C	Federal Bd	293.744	293.751
Adams	Westminster	287C	120th Ave	294.751	295.071
Adams	Denver	040C	Colfax Av	303.607	303.609
Adams	Aurora	040C	Colfax Av	303.609	308
Alamosa	Hooper	112A	County Line Rd	27.763	27.802
Alamosa	Alamosa	285A	West Av	33.521	33.999
Alamosa	Hooper	017B	5th Av	87.695	88.195
Alamosa	Alamosa	160A	Main St	230.798	233.556
Alamosa	Alamosa	160A	Denver St	233.416	233.485
Alamosa	Alamosa	160A	Broadway	233.485	233.53
Arapahoe	Deer Trail	070N	Cedar St	0	0.318
Arapahoe	Centennial	177A	University Bd	0.1	2.961
Arapahoe	Greenwood	225A		1.624	1.799
Arapahoe	Englewood	075A	Broadway	2.182	2.28
Arapahoe	Littleton	075A	Broadway	2.28	2.65
Arapahoe	Greenwood	177A	University Bd	2.961	4.116
Arapahoe	Denver	002A	Colorado Bd	3.497	4.144
Arapahoe	Glendale	002A	Colorado Bd	3.629	4.121
Arapahoe	Aurora	030A	Havana St.	3.831	7.844
Arapahoe	Aurora	225A		3.94	10.158
Arapahoe	Cherry Hills	177A	University Bd	4.116	5.999
Arapahoe	Littleton	075B	Bowles Av.	4.343	5.287
Arapahoe	Littleton	075B	Platte Canyon	5.287	5.413
Arapahoe	Sheridan	088A	Federal Bd	5.692	7.134
Arapahoe	Aurora	470B	E 470	6.18	20.324
Arapahoe	Englewood	088A	Federal Bd	7.134	7.939
Arapahoe	Denver	088A	Federal Bd	7.453	7.646
Arapahoe	Aurora	030A	6th Av.	7.844	13.754
Arapahoe	Englewood	088A	Belleview Av	7.939	10.575
Arapahoe	Littleton	088A	Belleview Av	8.061	9.099
Arapahoe	Cherry Hills	088A	Belleview Av	10.575	13.914
Arapahoe	Greenwood	088A	Belleview Av	12.72	14.736
Arapahoe	Aurora	030A	SH 30	13.754	17
Arapahoe	Littleton	470A	C-470	15.848	16.184
Arapahoe	Aurora	030A	Gun Club Rd.	17	20.416
Arapahoe	Greenwood	088B	Arapahoe Rd	17.001	17.584
Arapahoe	Centennial	088B	Arapahoe Rd	17.584	20.494
Arapahoe	Aurora	088B	Arapahoe Rd	20.494	21.734
Arapahoe	Centennial	083A	Parker Rd	63.115	66.511
Arapahoe	Aurora	083A	Parker Rd	63.283	72.841

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Arapahoe	Foxfield	083A	Parker Rd	64.77	65.3
Arapahoe	Denver	083A	Leetsdale Dr	74.827	76.891
Arapahoe	Glendale	083A	Leetsdale Dr	76.598	76.88
Arapahoe	Centennial	025A	South East Corridor	195.13	196.72
Arapahoe	Greenwood	025A	South East Corridor	196.72	199.392
Arapahoe	Littleton	085B	Santa Fe Dr	200.55	205.067
Arapahoe	Englewood	085B	Santa Fe Dr	205.067	207.945
Arapahoe	Sheridan	085B	Santa Fe Dr	205.682	206.856
Arapahoe	Denver	285D	Hampden Av	257.56	262.204
Arapahoe	Sheridan	285D	Hampden Av	257.688	259.416
Arapahoe	Englewood	285D	Hampden Av	259.227	261.945
Arapahoe	Cherry Hills	285D	Hampden Av	260.67	262.434
Arapahoe	Bennett	070A	Purple Heart Memorial Hwy	305.324	305.539
Arapahoe	Aurora	040C	Colfax Av	308	311.596
Arapahoe	Deer Trail	070A	Purple Heart Memorial Hwy	327.579	328.754
Arapahoe	Deer Trail	040E	1st Ave	349.914	351.147
Archuleta	Pagosa Springs	160A		138.96	142.944
Archuleta	Pagosa Springs	160A	San Juan	142.944	143.324
Archuleta	Pagosa Springs	160A	Pagosa St	143.324	144.436
Baca	Vilas	100A	A St	0.295	0.419
Baca	Campo	287A	Main St	8.643	9.153
Baca	Campo	287A		9.153	9.174
Baca	Two Buttes	116A		12.042	12.575
Baca	Springfield	287A		29.78	30.868
Baca	Pritchett	160C	Railroad St	449.703	449.844
Baca	Pritchett	160C	Randolph St	449.844	450.37
Baca	Pritchett	160C	Santa Fe St	450.37	450.374
Baca	Walsh	160C	Santa Fe St	482.751	483.321
Bent	Las Animas	101A	Carson Av	0	0.389
Bent	Las Animas	050B	Ambassador Thompson Bd.	398.053	398.834
Bent	Las Animas	050B	Bent Av.	398.834	399.838
Boulder	Boulder	036E	Baseline Rd	0	0.278
Boulder	Boulder	157A	Foothills Py	0	4.447
Boulder	Lafayette	042A	95th St.	0	1.263
Boulder	Lyons	036Z	Main St	0	0.299
Boulder	Lafayette	042A	96th St.	1.263	1.436
Boulder	Louisville	042A	96th St.	1.436	2.675
Boulder	Superior	128A		2.29	5.14
Boulder	Louisville	042A		3.14	3.869
Boulder	Lafayette	042A		4.496	4.876
Boulder	Louisville	170A		5	5.558
Boulder	Superior	170A		5.558	6.694
Boulder	Superior	170A	McCaslin Bd	6.694	6.752

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Boulder	Boulder	093A	Broadway	15.002	18.849
Boulder	Lyons	036B		19.836	20.912
Boulder	Lyons	036B	5th St.	20.287	20.357
Boulder	Lyons	036B	Broadway	20.357	20.895
Boulder	Nederland	119A		24.154	26.376
Boulder	Nederland	072B	Second St	32.325	33.395
Boulder	Lyons	007A		32.624	32.759
Boulder	Lyons	007A	5th Av	32.759	32.999
Boulder	Nederland	072B		33.395	33.765
Boulder	Boulder	036B		33.947	39.26
Boulder	Longmont	066B		34.071	38.409
Boulder	Boulder	119A	Canyon Bd	40.587	41.892
Boulder	Ward	072B		42.917	43.933
Boulder	Superior	036B	Denver/Boulder Turnpike	43.264	43.497
Boulder	Boulder	119B	Diagonal Hwy	44.237	45.092
Boulder	Boulder	007B	Canyon Bd.	49.506	50.639
Boulder	Boulder	007C	Arapahoe	52.487	55.115
Boulder	Longmont	119B	Diagonal Hwy	54.006	55.45
Boulder	Longmont	119B	Ken Pratt Blvd	55.45	55.97
Boulder	Longmont	119B	Longmont Bypass	55.97	59.089
Boulder	Lafayette	007C	Arapahoe	59.033	60.683
Boulder	Longmont	119C	3rd Av	59.089	59.475
Boulder	Lafayette	007D	Baseline Rd	61.877	64.34
Boulder	Lafayette	287C	Lafayette ByPass	300.83	304.023
Boulder	Lafayette	287C	N 10th St	304.023	306.869
Boulder	Erie	287C	N 10th St	306.869	307.376
Boulder	Erie	287C	Main St	307.376	307.54
Boulder	Longmont	287C	Main St	313.153	318.04
Broomfield	Broomfield	128A		5.14	5.148
Broomfield	Broomfield	128A	120TH Av	5.517	8.385
Broomfield	Broomfield	121A	Wadsworth Bd	24.832	26.3
Broomfield	Broomfield	036B	Denver/Boulder Turnpike	45.177	49.378
Broomfield	Broomfield	470N	C-470	46.398	54.45
Broomfield	Westminster	036B	Denver/Boulder Turnpike	49.378	49.404
Broomfield	Lafayette	470N	C-470	52.335	52.789
Broomfield	Louisville	470N	C-470	53.271	53.291
Broomfield	Broomfield	007D	Baseline Rd	64.427	64.888
Broomfield	Broomfield	007D	160TH Av	64.888	68.457
Broomfield	Broomfield	007D	Bridge St	68.457	68.565
Broomfield	Broomfield	025A		227.347	231.09
Broomfield	Westminster	287C	120th Ave	295.071	296.087
Broomfield	Broomfield	287C	120th Ave	296.087	298.119
Broomfield	Broomfield	287C	Commerce St	298.119	299.201

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Broomfield	Broomfield	287C	Lafayette ByPass	299.201	299.821
Chaffee	Salida	291A	Oak St	0.062	0.665
Chaffee	Salida	291A	1st St	0.665	1.894
Chaffee	Poncha	285B		125.897	126.48
Chaffee	Poncha	285C		127.001	127.034
Chaffee	Buena Vista	024A		209.967	211.296
Chaffee	Poncha	050A		216.697	217.991
Chaffee	Poncha	050A	Rainbow Bd	217.991	218.009
Chaffee	Salida	050A	Rainbow Bd	220.307	222.213
Cheyenne	Kit Carson	059A		0	0.497
Cheyenne	Cheyenne	385C	E 5th St S	150.312	150.431
Cheyenne	Cheyenne	385C	S 2nd St E	150.431	150.781
Cheyenne	Cheyenne	385C	W 1st St S	150.781	150.926
Cheyenne	Cheyenne	385C	W 1st St N	150.926	151.336
Cheyenne	Kit Carson	040H	3rd St	444.625	445.644
Cheyenne	Cheyenne	040H		469.378	470.674
Clear Creek	Idaho Springs	103A	13th Av	0	0.119
Clear Creek	Idaho Springs	103A	Chicago Creek Rd	0.119	0.296
Clear Creek	Idaho Springs	070K	Colorado Bd	0.225	2.23
Clear Creek	Silver Plume	070A	Purple Heart Memorial Hwy	225.237	226.087
Clear Creek	Georgetown	070A	Purple Heart Memorial Hwy	226.998	229.002
Clear Creek	Idaho Springs	070A	Purple Heart Memorial Hwy	238.927	240.758
Clear Creek	Empire	040A		255.837	255.885
Clear Creek	Empire	040A	Park Av	255.885	256.424
Conejos	La Jara	136A	Main St	0	0.152
Conejos	Romeo	142A	Main St	0.004	0.31
Conejos	La Jara	136A	Walnut St	0.152	0.553
Conejos	Manassa	142A	Main St	2.275	3.276
Conejos	Manassa	142A		3.276	3.282
Conejos	Sanford	136A		3.394	3.48
Conejos	Sanford	136A	Main St	3.48	4.469
Conejos	Antonito	285A	Main St	5.504	6.304
Conejos	Antonito	285A		6.304	6.431
Conejos	La Jara	285A		19.375	19.597
Conejos	La Jara	285A	Spruce St	19.597	20.026
Conejos	La Jara	285A	West Av	20.026	20.032
Costilla	San Luis	159A	Main St	17.387	18.483
Costilla	San Luis	142A		33.642	33.84
Costilla	Blanca	160A	Main St	252.714	254.506
Crowley	Ordway	071C		26.935	27.336
Crowley	Olney Springs	096B		94.258	94.339
Crowley	Olney Springs	096B	Warner Av	94.339	94.793
Crowley	Sugar City	096C	Railroad Av	110.298	110.916

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Crowley	Sugar City	096C	Colorado St	110.916	110.984
Crowley	Sugar City	096C	Adams Av	110.984	111.323
Custer	Westcliffe	096A	Main St	0	0.316
Custer	Silver Cliff	096A	Main St	0.316	4.988
Custer	Westcliffe	069A		57.124	59.528
Custer	Westcliffe	069A	Sixth St	57.137	58.705
Custer	Westcliffe	069A	Main St	58.705	58.902
Custer	Westcliffe	069A	Third St	58.902	59.469
Delta	Delta	092A	Crawford Av	0	0.239
Delta	Delta	348A	6th St	0	0.29
Delta	Hotchkiss	133A		0	0.343
Delta	Delta	092A		0.239	2.107
Delta	Delta	348A	Silver St	0.29	0.479
Delta	Delta	348A	Bridge St	0.479	0.7
Delta	Orchard City	065A		1.699	8.503
Delta	Orchard City	092A		6.582	7.278
Delta	Cedaredge	065A		9.705	11.729
Delta	Cedaredge	065A	Main St	9.727	11.296
Delta	Hotchkiss	092A	Bridge St	20.082	21.744
Delta	Crawford	092A	Crawford St	30.8	31.279
Delta	Crawford	092A	Dogwood St	31.279	31.525
Delta	Crawford	092A	Graham Av	31.525	31.709
Delta	Delta	050A		64.951	70.545
Delta	Delta	050A	Main St	70.545	73.264
Denver	Denver	002A	Colorado Bd	0	9.478
Denver	Denver	030A	Hampden Av.	0	2.602
Denver	Denver	088A	Federal Bd	0	7.552
Denver	Denver	225A		0	1.624
Denver	Denver	265A	Brighton Bd	0	1.184
Denver	Commerce	265A	Brighton Bd	0.905	1.198
Denver	Lakewood	095A	Sheridan Bd	1	6
Denver	Denver	076A		1.014	1.177
Denver	Denver	095A	Sheridan Bd	1.235	7.224
Denver	Aurora	030A	Hampden Av.	2.089	2.241
Denver	Denver	030A	Havana St.	2.602	3.823
Denver	Aurora	030A	Havana St.	3.823	6.719
Denver	Denver	270A		4.259	5.351
Denver	Denver	121A	Wadsworth Bd	4.674	8.639
Denver	Lakewood	121A	Wadsworth Bd	6.522	8.713
Denver	Edgewater	095A	Sheridan Bd	6.666	7.037
Denver	Denver	035A		8.553	9.57
Denver	Wheat Ridge	095A	Sheridan Bd	9.049	9.541
Denver	Commerce	035A		9.34	9.355

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Denver	Commerce	002A	Colorado Bd	9.478	9.587
Denver	Denver	026B	Alameda Av	11.17	14.296
Denver	Denver	470B	E 470	27.052	28.57
Denver	Denver	083A	Leetsdale Dr	74.541	77.267
Denver	Denver	025A	South East Corridor	199.72	206.619
Denver	Denver	025A	Valley Highway	206.619	209.268
Denver	Denver	085B	Santa Fe Dr	207.945	211.123
Denver	Denver	025A	Mouse Trap	209.268	214.46
Denver	Denver	285D	Hampden Av	255.753	263.874
Denver	Cherry Hills	285D	Hampden Av	262.434	263.185
Denver	Denver	070A	Purple Heart Memorial Hwy	270.496	282.563
Denver	Denver	006G	6th Av	282.333	284.477
Denver	Denver	287C	Federal Bd	282.679	286.351
Denver	Denver	006H	Vasquez Bd	291.075	292.054
Denver	Denver	040C	Colfax Av	294.273	303.607
Dolores	Rico	145A		46.239	46.243
Dolores	Rico	145A	Glascow Av	46.243	47.481
Dolores	Dove Creek	491B		60.84	61.846
Douglas	Lone Tree	470B	E 470	0	0.084
Douglas	Castle Rock	086A	Fifth Street	1.871	5.165
Douglas	Parker	470B	E 470	4.373	5.75
Douglas	Aurora	470B	E 470	5.75	6.18
Douglas	Littleton	470A	C-470	17.181	17.616
Douglas	Lone Tree	470A	C-470	24.163	26.195
Douglas	Parker	083A		56.857	56.861
Douglas	Parker	083A	Parker Rd	56.861	63.107
Douglas	Centennial	083A	Parker Rd	63.107	63.115
Douglas	Castle Rock	086B	Old Founders Pkwy	100	104.348
Douglas	Castle Rock	025A		178.927	188
Douglas	Castle Rock	085B		184.684	186.282
Douglas	Castle Rock	025A	Monument Hill	188	188.653
Douglas	Lone Tree	025A	Monument Hill	190.971	192
Douglas	Lone Tree	025A	South East Corridor	192	195.103
Douglas	Centennial	025A	South East Corridor	195.103	195.13
Eagle	Eagle	070F	Eby Creek Rd	0	0.255
Eagle	Basalt	082A	Old Hwy 82	20.148	24.122
Eagle	Gypsum	070A	Purple Heart Memorial Hwy	139.38	139.749
Eagle	Gypsum	006E		142.001	142.617
Eagle	Minturn	024A	10th Mountain Division Memorial	143.536	147.282
Eagle	Eagle	070A	Purple Heart Memorial Hwy	146.398	146.547
Eagle	Eagle	006E	Grand Av	148.93	149.738
Eagle	Red Cliff	024A	10th Mountain Division Memorial	154.469	154.586
Eagle	Avon	070A	Purple Heart Memorial Hwy	164.691	168.557

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Eagle	Avon	006E		170.012	172.297
Eagle	Vail	070A	Purple Heart Memorial Hwy	172.421	182.034
El Paso	Colorado	025D	Nevada Av / I-25 Bus Rt	0	6.756
El Paso	Colorado	029A	Lake Av.	0	0.329
El Paso	Colorado	038A	Filmore St	0	0.874
El Paso	Colorado	083B	Academy Bd	0	0.235
El Paso	Colorado	094A		0	4.616
El Paso	Fountain	016A		0.05	1.317
El Paso	Manitou	024E	Manitou Av	0.304	3.228
El Paso	Colorado	029A	Circle Dr	0.329	3.096
El Paso	Colorado	029A	Airport Rd.	3.096	4.351
El Paso	Manitou	024E	Manitou Spgs Bus Rt	3.228	3.282
El Paso	Colorado	083A	Academy Bd	3.558	16.222
El Paso	Colorado	024E	Manitou Spgs Bus Rt	3.755	4.182
El Paso	Monument	105A		5.269	6
El Paso	Palmer Lake	105A		6.35	9.475
El Paso	Colorado	083A		16.222	20.26
El Paso	Colorado	115A	Nevada Av	43.827	45.999
El Paso	Fountain	025A	Ronald Reagan Highway	119.615	128.856
El Paso	Fountain	085A	Santa Fe	128.001	131.998
El Paso	Colorado	025A	Ronald Reagan Highway	136.902	149
El Paso	Colorado	085K		138.746	140.798
El Paso	Colorado	025A	Academy Blvd	149	149.353
El Paso	Green Mtn	024A	John A. Love Memorial Highway	289.483	289.625
El Paso	Manitou	024A	John A. Love Memorial Highway	297.362	299.572
El Paso	Colorado	024A	John A. Love Memorial Highway	301.075	303.816
El Paso	Colorado	024G	John A. Love Memorial Highway	304.036	318.37
El Paso	Calhan	024G	John A. Love Memorial Highway	339.859	340.93
El Paso	Ramah	024G	John A. Love Memorial Highway	349.907	350.153
Elbert	Elizabeth	086A	Kiowa Av	15.094	16.267
Elbert	Elizabeth	086A	Commance St	16.267	16.284
Elbert	Kiowa	086A	Commance St	22.613	23.585
Elbert	Kiowa	086A		23.906	24.739
Elbert	Simla	024G	Caribou St	353.348	354.339
Elbert	Simla	024G	3rd St / Main St	354.339	354.363
Fremont	Canon City	115A	9th St	0	0.792
Fremont	Brookside	115A	Cedar Av	3.639	4.206
Fremont	Florence	115A	3rd St	7.864	8.28
Fremont	Florence	115A	Church St	8.28	8.36
Fremont	Florence	115A		8.36	9.629
Fremont	Florence	115A	Main St	8.487	9.616
Fremont	Florence	067A		9.521	10.836
Fremont	Florence	067A	Robinson Av	10.836	10.999

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Fremont	Florence	067B	Pikes Peak Av	11.562	11.966
Fremont	Canon City	050A	Royal Gorge Bd	276.74	282.626
Fremont	Canon City	050A		282.894	283.101
Garfield	Glenwood	006K	W 6th St.	0	0.338
Garfield	Glenwood	082A		0	0.07
Garfield	Rifle	013A		0	3.979
Garfield	Silt	070E	9th St	0.002	0.173
Garfield	Glenwood	082A	6th St	0.07	0.176
Garfield	Glenwood	082A	Grand Av	0.176	1.401
Garfield	Rifle	013A	1st St.	0.545	0.97
Garfield	Rifle	013A	13 Bypass	0.97	3.978
Garfield	Glenwood	082A	Old Hwy 82	1.401	2.35
Garfield	Carbondale	133A		66.464	68.725
Garfield	Parachute	070A	Purple Heart Memorial Hwy	73.982	74.655
Garfield	Parachute	006M	1st St	74.731	75.393
Garfield	Rifle	070A	Purple Heart Memorial Hwy	89.459	91.83
Garfield	Rifle	006L	1st St	90.301	90.999
Garfield	Rifle	006D	1st St	92.001	92.075
Garfield	Silt	070A	Purple Heart Memorial Hwy	97.251	97.407
Garfield	Silt	006D	Main St	98.353	99.38
Garfield	New Castle	070A	Purple Heart Memorial Hwy	103.707	104.733
Garfield	New Castle	006D	Main St	105.482	107.432
Garfield	Glenwood	070A	Purple Heart Memorial Hwy	113.971	117.758
Gilpin	Black Hawk	119A	Clear Creek St	6.027	8.049
Grand	Grand Lake	034A		14.05	15.017
Grand	Kremmling	009D	6th St	137.618	138.92
Grand	Kremmling	040A	Park Av	184.103	185.739
Grand	Kremmling	040A	Byers Av	185.739	186.603
Grand	Hot Sulphur	040A	Byers Av	201.284	202.343
Grand	Hot Sulphur	040A	Agate Av	202.343	202.389
Grand	Granby	040A	Agate Av	211.314	212.459
Grand	Granby	040A	Zerex St	212.459	212.563
Grand	Fraser	040A	Zerex St	226.471	228.65
Grand	Winter Park	040A	Zerex St	228.65	228.692
Grand	Winter Park	040A		228.692	234.011
Gunnison	Gunnison	135A	Main St	0	0.997
Gunnison	Crested Butte	135A		27.159	27.175
Gunnison	Crested Butte	135A	6th St	27.2	27.484
Gunnison	Gunnison	050A		156.2	157.906
Hinsdale	Lake City	149A	Gunnison St	71.989	72.977
Hinsdale	Lake City	149A		73.138	73.325
Huerfano	Walsenburg	025C	Main St	0	2.447
Huerfano	La Veta	012A	Main St.	4.26	5.039

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Huerfano	La Veta	012A	Grand Av.	5.039	5.157
Huerfano	La Veta	012A	Oak St.	5.157	5.605
Huerfano	La Veta	012A		5.605	5.668
Huerfano	Walsenburg	025A	John F. Kennedy Memorial Hwy	48.82	50.269
Huerfano	Walsenburg	160A	7th St	304.419	305.38
Huerfano	Walsenburg	160B	5th St	305.526	306.026
Jackson	Walden	014B	6th St	34.09	34.451
Jackson	Walden	014B		34.451	34.453
Jackson	Walden	125A	Main St	53.124	53.913
Jefferson	Arvada	076A		0	0.76
Jefferson	Golden	058A		0	2.452
Jefferson	Golden	093A		0	1.783
Jefferson	Lakewood	391A	Kipling St	0	7.367
Jefferson	Wheat Ridge	072A	Ward Rd	0	0.574
Jefferson	Golden	470A	C-470	0.035	0.086
Jefferson	Morrison	008A		0.042	1.916
Jefferson	Wheat Ridge	076A		0.21	0.904
Jefferson	Golden	470	C 470	0.454	1.212
Jefferson	Lakewood	470A	C-470	0.609	5.94
Jefferson	Arvada	072A	Ward Rd	0.976	2.321
Jefferson	Denver	095A	Sheridan Bd	1.25	7.719
Jefferson	Lakewood	095A	Sheridan Bd	1.255	6.245
Jefferson	Superior	128A		1.606	5.107
Jefferson	Morrison	008A	Bear Creek Av	1.916	2.466
Jefferson	Arvada	072A	Ralston Rd / W 64th Av	2.321	3.612
Jefferson	Morrison	470A	C-470	2.371	4.174
Jefferson	Morrison	008A	Morrison Rd	2.66	2.785
Jefferson	Lakewood	008A	Morrison Rd	3.128	8.683
Jefferson	Arvada	072A	Indiana St	3.612	4.651
Jefferson	Broomfield	128A		4.128	4.313
Jefferson	Arvada	072A		4.651	14.37
Jefferson	Lakewood	121A	Wadsworth Bd	4.962	14.619
Jefferson	Wheat Ridge	058A		5.401	5.437
Jefferson	Edgewater	095A	Sheridan Bd	6.245	6.666
Jefferson	Arvada	093A		7.097	7.588
Jefferson	Wheat Ridge	095A	Sheridan Bd	7.258	14.325
Jefferson	Wheat Ridge	391A	Kipling St	7.869	9.51
Jefferson	Denver	121A	Wadsworth Bd	8.141	8.424
Jefferson	Wheat Ridge	121A	Wadsworth Bd	14.619	16.67
Jefferson	Arvada	121A	Wadsworth Bd	16.67	21.678
Jefferson	Morrison	074A		17.711	17.789
Jefferson	Morrison	074A	Bear Creek Canyon	17.789	17.999
Jefferson	Westminster	121A	Wadsworth Bd	21.678	24.453

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Jefferson	Westminster	036B	Denver/Boulder Turnpike	49.404	52.703
Jefferson	Morrison	285D		247.207	248.356
Jefferson	Lakewood	285D		250.036	250.082
Jefferson	Lakewood	285D	Hampden Av	250.082	255.396
Jefferson	Golden	070A	Purple Heart Memorial Hwy	259.839	260.939
Jefferson	Lakewood	070A	Purple Heart Memorial Hwy	262.059	263.122
Jefferson	Wheat Ridge	070A	Purple Heart Memorial Hwy	264.332	269.998
Jefferson	Arvada	070A	Purple Heart Memorial Hwy	268.692	269.5
Jefferson	Denver	070A	Purple Heart Memorial Hwy	270.479	270.496
Jefferson	Golden	006G	6th Av	270.851	275.41
Jefferson	Lakewood	006G	6th Av	276.301	282.333
Jefferson	Golden	040C	Colfax Av	285.656	287.551
Jefferson	Lakewood	040C	Colfax Av	288.019	294.273
Kiowa	Eads	287B	15th St	112.688	113.42
Kiowa	Eads	287B	Wansted St	113.42	113.942
Kiowa	Sheridan Lake	385B	Colorado Av	123.67	123.923
Kiowa	Sheridan Lake	385B	Borders St	123.923	124.257
Kiowa	Haswell	096C		143.78	144.609
Kiowa	Haswell	096C	4th St	144.332	144.496
Kiowa	Eads	096C		165.967	165.971
Kiowa	Sheridan Lake	096D		193.311	194.329
Kit Carson	Burlington	070Q	Rose Av	0	0.267
Kit Carson	Stratton	057A		0.172	0.236
Kit Carson	Stratton	057A	Colorado Av	0.236	0.488
Kit Carson	Vona	070P	1st Av	0.405	0.516
Kit Carson	Seibert	059A		41.038	41.638
Kit Carson	Burlington	385C	Lincoln St	187.473	187.886
Kit Carson	Burlington	385C	Rose Av	187.886	188.855
Kit Carson	Burlington	385C	8th St	188.855	189.344
Kit Carson	Seibert	024B		422.7	422.707
Kit Carson	Seibert	024B	2nd St	422.707	423.212
Kit Carson	Vona	024B	North St	429.319	429.835
Kit Carson	Stratton	024B	4th St	436.803	436.999
Kit Carson	Stratton	024C		436.999	437.274
Kit Carson	Burlington	070A	Purple Heart Memorial Hwy	438.222	438.532
Kit Carson	Bethune	024C		446.85	447.343
Kit Carson	Burlington	024C	Rose Av	453.871	454.87
Kit Carson	Burlington	024D	Rose Av	455.882	456.722
La Plata	Durango	003A	8th Av	0	2.194
La Plata	Ignacio	151A	Ute St	0	0.066
La Plata	Ignacio	151A		0.066	0.084
La Plata	Bayfield	160E	BayField Bus Rt	0.926	1.91
La Plata	Durango	003A	Santa Rita Dr	2.194	2.444

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
La Plata	Ignacio	172A	Goddard St	8.649	9.119
La Plata	Ignacio	172A		9.119	9.347
La Plata	Durango	550B	Camino Del Rio	21.001	21.553
La Plata	Durango	550B	Main Av	21.553	25.852
La Plata	Durango	160A		81.356	87.862
La Plata	Bayfield	160A		103.346	103.479
Lake	Leadville	024A	Poplar / 9th St / Harrison St / Front St	175.445	176.811
Lake	Leadville	024A		176.811	176.962
Larimer	Estes Park	007A	S St. Vrain	0	2.295
Larimer	Estes Park	034C	Elkhorn Av	0	1.69
Larimer	Estes Park	036B	N St. Vrain	0	1.363
Larimer	Loveland	287Z	Cleveland Av	0	1.763
Larimer	Loveland	402A	14th St SE	0	0.46
Larimer	Windsor	392A	Main St	0.132	0.285
Larimer	Estes Park	007A		2.295	4.326
Larimer	Berthoud	056A		2.992	3.092
Larimer	Johnstown	402A	14th St SE	3.888	4.225
Larimer	Berthoud	056B	Mountain Av	4.491	5.522
Larimer	Estes Park	036A		5.121	5.141
Larimer	Estes Park	036A	Morraine Av	5.141	6.982
Larimer	Wellington	001A		8.979	9.328
Larimer	Wellington	001A	Cleveland Av	9.328	9.804
Larimer	Estes Park	034A	Fall River Rd	59.012	60.965
Larimer	Estes Park	034A	Wonderview Dr	60.965	62.507
Larimer	Estes Park	034A	Big Thompson Av	62.507	64.232
Larimer	Estes Park	034A		64.232	64.792
Larimer	Loveland	034A	Eisenhower Bd	87.735	93.798
Larimer	Loveland	034A		93.798	97.202
Larimer	Johnstown	034A		96.528	97.68
Larimer	Fort Collins	014C	Riverside	134.726	135.711
Larimer	Fort Collins	014C	Mulberry St.	135.711	136.123
Larimer	Johnstown	025A		253.216	256.316
Larimer	Loveland	025A		257.449	259.304
Larimer	Fort Collins	025A		266.467	272.477
Larimer	Wellington	025A		276.855	277.354
Larimer	Berthoud	287C	Mountain Av	325.529	326.899
Larimer	Berthoud	287D		326.31	329.149
Larimer	Berthoud	287C	1st St	326.899	327
Larimer	Berthoud	287C	Lincoln Av	327.509	329.167
Larimer	Loveland	287C	Lincoln Av	331.987	334.877
Larimer	Loveland	287C	Buchanan Av	334.877	335.227
Larimer	Loveland	287C	Lincoln Av / Buchanan Av / Garfield	335.227	337.664
Larimer	Fort Collins	287C	College Av	339.513	348.434

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Las Animas	Trinidad	239A		0	0.73
Las Animas	Branson	389A	Main St	1.057	1.834
Las Animas	Aguilar	025B		1.809	1.815
Las Animas	Aguilar	025B	FIR ST	1.815	1.948
Las Animas	Branson	389A	Athens St	1.834	2.151
Las Animas	Trinidad	025A	John F. Kennedy Memorial Hwy	11.421	17.238
Las Animas	Cokedale	012A		62.518	62.819
Las Animas	Trinidad	012A		69.223	69.328
Las Animas	Trinidad	012A	Robinson Av.	69.328	69.812
Las Animas	Trinidad	012A	San Juan St.	69.812	69.883
Las Animas	Trinidad	012A	Stonewall Av.	69.883	70.127
Las Animas	Trinidad	012A	Prospect St.	70.127	70.24
Las Animas	Trinidad	012A	University St.	70.24	70.386
Las Animas	Trinidad	160C	Kit Carson Tr	344.612	344.792
Las Animas	Kim	160C		414.188	414.761
Lincoln	Limon	024F	24 Spur	0.128	0.386
Lincoln	Limon	071C		100.138	100.242
Lincoln	Limon	071C	Indiana Av	100.242	100.999
Lincoln	Limon	071D	1st Av	102.001	102.631
Lincoln	Limon	070A	Purple Heart Memorial Hwy	359.862	361.752
Lincoln	Genoa	070A	Purple Heart Memorial Hwy	370.912	371.056
Lincoln	Limon	024G	3rd St / Main St	377.665	379.24
Lincoln	Arriba	070A	Purple Heart Memorial Hwy	382.707	383.495
Lincoln	Hugo	040H	Clifford Av	398.019	399.627
Lincoln	Hugo	040H	3rd St	399.627	399.686
Logan	Crook	055A	1st St	0	0.162
Logan	Sterling	006Z	4th St.	0	0.445
Logan	Sterling	138A	3rd St	0	1.268
Logan	Sterling	138Z	Broadway	0	0.127
Logan	Sterling	138Z	4th St	0.127	0.614
Logan	Crook	055A		0.162	0.294
Logan	Sterling	006Z	Division St.	0.445	0.604
Logan	Iliff	138A		11.68	12.287
Logan	Peetz	113A		15.826	15.968
Logan	Crook	138A	Park Av	27.463	27.503
Logan	Crook	138A	2nd Av	27.503	27.9
Logan	Sterling	061A		40.418	40.993
Logan	Sterling	076A		124.006	125.492
Logan	Sterling	014C	Main St	234.773	236.924
Logan	Merino	006J		391.727	391.732
Logan	Merino	006J	Platte St	391.732	392.013
Logan	Sterling	006J		403.856	403.864
Logan	Sterling	006J	Division St.	403.864	404.149

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Logan	Sterling	006J	3rd St.	404.149	404.644
Logan	Sterling	006J	Chestnut St.	404.644	407.097
Logan	Fleming	006J	Weston / S. Railroad St	424.67	425.193
Logan	Fleming	006J		425.193	425.217
Mesa	Fruita	340A	Aspen St	0	0.245
Mesa	Grand	070B	I-70 Bus Rt	0	10.377
Mesa	Grand	070Z	Ute Av	0	1.269
Mesa	Fruita	340A	Cherry St	0.245	0.408
Mesa	Fruita	340A	Coulson St	0.408	1.289
Mesa	Fruita	340A	Broadway / Grand Av	1.465	1.514
Mesa	Grand	070B	1st St	4.952	5.389
Mesa	Grand	070B	Pitkin Av	5.389	6.588
Mesa	Grand	340A	Broadway	8.56	13.223
Mesa	Collbran	330A	High St	9.794	11.395
Mesa	Grand	340A	Grand Ave	13.223	13.341
Mesa	Fruita	070A	Purple Heart Memorial Hwy	19.135	21.746
Mesa	Fruita	006A		19.176	22.452
Mesa	Grand	070A	Purple Heart Memorial Hwy	25.158	33.941
Mesa	Grand	006A		25.198	25.998
Mesa	Grand	006B	North Av	30.27	34.375
Mesa	Grand	050A	5th St.	32.001	32.945
Mesa	Grand	050A		32.945	34.514
Mesa	Palisade	006C	8th St	42.386	43.28
Mineral	Creede	149A	La Garita St	21.43	21.572
Mineral	Creede	149A	7th St	21.572	21.629
Mineral	Creede	149A	Main St	21.629	22.057
Moffat	Craig	040Z	Victory Wy	0	0.715
Moffat	Craig	394A	Ranney St	0	0.224
Moffat	Dinosaur	064A	Stegosaurus Frwy	0	0.542
Moffat	Dinosaur	064A		0.542	0.923
Moffat	Dinosaur	040A		2.421	2.765
Moffat	Dinosaur	040A	Brontosaurus Bd	2.765	3.283
Moffat	Craig	013A	CR 7	88.098	88.635
Moffat	Craig	040A	W. Victory Wy.	88.149	91.533
Moffat	Craig	013B	Yampa St	89.608	91.336
Moffat	Craig	040A	Pershing St.	90.358	90.531
Moffat	Craig	040A	4th St.	90.531	91.091
Moffat	Craig	040A	Lincoln St.	91.091	91.262
Moffat	Craig	040A		91.533	93
Moffat	Craig	040A	Jefferson Av	93	93.123
Montezuma	Cortez	145A	State St	0	0.203
Montezuma	Cortez	491C	SH 666 Bus Rt	0	0.242
Montezuma	Cortez	145A	Dolores Rd	0.203	1.39

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Montezuma	Mancos	160D	Grand Av	0.535	1.93
Montezuma	Dolores	145A	Railroad Av	9.698	11.156
Montezuma	Mancos	184B		26.173	26.236
Montezuma	Mancos	184B	Main St	26.236	26.599
Montezuma	Cortez	491B	Broadway	26.371	27.216
Montezuma	Cortez	491B		27.216	27.22
Montezuma	Cortez	160A		35.901	40.779
Montezuma	Cortez	160A	Broadway	35.962	37.869
Montezuma	Cortez	160A	Main St	37.869	39.864
Montezuma	Cortez	160A	Mancos Rd	39.864	40.735
Montezuma	Mancos	160A		55.222	56.212
Montrose	Naturita	097A		0	0.44
Montrose	Olathe	050D	Business Rt.	0.371	1.127
Montrose	Nucla	097A		3.78	4.584
Montrose	Olathe	348A	5th St	16.01	16.864
Montrose	Naturita	141A		59.897	61.13
Montrose	Naturita	141A	Main St	60.054	60.96
Montrose	Olathe	050A		82.081	82.58
Montrose	Montrose	090B	Spring Creek Rd	88.747	89.858
Montrose	Montrose	050A	N. Townsend Av.	89.849	92.841
Montrose	Montrose	050A	E Main St	92.841	95.125
Montrose	Montrose	050A		97.362	98.183
Montrose	Montrose	550B		126.164	127.74
Montrose	Montrose	550B	S Townsand Av	127.74	129.257
Morgan	Wiggins	039A		0	0.011
Morgan	Fort Morgan	144A	Riverview	28.716	28.796
Morgan	Wiggins	052A		72.567	72.581
Morgan	Fort Morgan	076A		80.138	81.913
Morgan	Fort Morgan	052B	Main St	86.481	87.41
Morgan	Brush	076A		89.429	89.769
Morgan	Fort Morgan	034B	Platte Av	162.147	165.465
Morgan	Brush	034B	Edison St	170.406	172.898
Morgan	Brush	071E	Colorado Av	175.486	176.956
Morgan	Wiggins	006I	Central St	344.274	346.303
Morgan	Hillrose	006J		376.316	376.833
Otero	La Junta	109B	Bradish Av	0	0.14
Otero	Manzanola	207A	Park St	0	0.34
Otero	Rocky Ford	050Z	Swink Av	0	1.506
Otero	Rocky Ford	202A	2nd St	0	0.229
Otero	Rocky Ford	266A	12th St	0	0.217
Otero	La Junta	109B	3rd St	0.14	0.184
Otero	Rocky Ford	266A	Thomas Av	0.217	0.353
Otero	Fowler	167A	Main St	1.49	2.005

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Otero	Fowler	167A	Grant Av	2.005	2.395
Otero	Rocky Ford	071B	12th St	13.725	14.535
Otero	La Junta	109A	Adams Av	55.262	56.01
Otero	La Junta	109A	E Grand Av	56.01	56.018
Otero	Cheraw	109A	E Grand Av	65.391	65.768
Otero	La Junta	010A	4th St.	71.359	71.563
Otero	La Junta	010A	Dalton Av	71.563	71.968
Otero	La Junta	350A		72.313	72.444
Otero	La Junta	350A	5th St	72.444	72.77
Otero	La Junta	350A	Barnes Av	72.77	72.999
Otero	Fowler	050B	Cranston Av	350.653	351.301
Otero	Manzanola	050B	1st St	359.462	360
Otero	Rocky Ford	050B		368.046	369.571
Otero	Rocky Ford	050B	Elm Av.	368.188	369.238
Otero	Swink	050B		374.259	374.839
Otero	La Junta	050B		376.952	378.816
Otero	La Junta	050B	3rd St.	378.816	378.885
Otero	La Junta	050B	1st St.	378.885	380.861
Ouray	Ridgway	062A		22.161	22.221
Ouray	Ridgway	062A	Main St	22.221	23.407
Ouray	Ouray	550B		92.022	92.108
Ouray	Ouray	550B	3rd St	92.108	95.093
Ouray	Ridgway	550B		103.39	104.632
Park	Fairplay	009C		64.673	65.696
Park	Alma	009C		70.34	71.173
Park	Fairplay	285D		182.936	183.475
Phillips	Haxtun	059B	Washington Av	147.004	147.854
Phillips	Holyoke	385D		278.952	279.745
Phillips	Haxtun	006J		436.184	436.747
Phillips	Haxtun	006J	Bee St	436.747	436.766
Phillips	Paoli	006J	Bee St	444.448	445.28
Phillips	Paoli	006J	Denver St	445.28	445.282
Phillips	Holyoke	006J	Denver St	453.04	454.893
Pitkin	Snowmass	082A	Old Hwy 82	31.729	33.149
Pitkin	Aspen	082A	Old Hwy 82	38.32	39.823
Pitkin	Aspen	082A	Hallum St	39.823	40.381
Pitkin	Aspen	082A	Seventh St	40.381	40.494
Pitkin	Aspen	082A	Main St	40.494	41.43
Pitkin	Aspen	082A	Original St	41.43	41.573
Pitkin	Aspen	082A	Cooper St	41.573	42.111
Pitkin	Aspen	082A		42.111	42.21
Prowers	Wiley	196B	7th St	0	0.2
Prowers	Wiley	196A	Main St	9.572	10.067

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Prowers	Wiley	196A	7th St	10.067	10.195
Prowers	Wiley	196A		10.195	10.287
Prowers	Holly	089A	1st St	34	34.34
Prowers	Lamar	287A		75.983	77.639
Prowers	Wiley	287B		88.394	88.562
Prowers	Granada	385A	Main St	95.055	95.676
Prowers	Granada	385A		95.676	95.694
Prowers	Lamar	050B	Main St.	434.316	435.39
Prowers	Lamar	050B	Olive St.	435.39	436.262
Prowers	Lamar	050B		436.262	436.313
Prowers	Granada	050B		452.263	452.272
Prowers	Granada	050B	Goff St	452.272	452.964
Prowers	Granada	050B	Colorado St	452.964	452.974
Prowers	Holly	050B	Colorado St	462.737	463.509
Pueblo	Pueblo	045A	Pueblo Bd	0	5.696
Pueblo	Pueblo	047A	University Bd	0	4.635
Pueblo	Pueblo	050C	Santa Fe	0	1.278
Pueblo	Pueblo	227A		0.541	0.666
Pueblo	Pueblo	227A	Joplin Av	0.92	1.851
Pueblo	Pueblo	050C	Business Rt.	1.278	2.079
Pueblo	Boone	209A	Hughes Av	1.356	1.528
Pueblo	Pueblo	078A		29.871	31.975
Pueblo	Pueblo	078A	Northern Av	31.975	33.272
Pueblo	Pueblo	096A		51.855	51.911
Pueblo	Pueblo	096A	Thatcher Av	51.911	54.08
Pueblo	Pueblo	096A	Lincoln Av	54.08	54.761
Pueblo	Pueblo	096A	4th St	54.761	58.817
Pueblo	Boone	096B		75.142	76.027
Pueblo	Pueblo	025A	John F. Kennedy Memorial Hwy	92.93	93
Pueblo	Pueblo	025A		93	103.526
Pueblo	Pueblo	050A		312.922	314.523
Pueblo	Pueblo	050B	50 Bypass	316.001	321.901
Rio Blanco	Rangely	064A	Main St	17.883	19.282
Rio Blanco	Rangely	064A		19.282	21.851
Rio Blanco	Meeker	013A		41.06	41.08
Rio Blanco	Meeker	013A	Market St	41.08	45.818
Rio Blanco	Meeker	013A	CR 7	45.818	45.908
Rio Blanco	Rangely	139A		70.743	72.065
Rio Grande	Del Norte	112A	Oak Av	0	0.439
Rio Grande	Monte Vista	015A	Broadway	0	0.88
Rio Grande	South Fork	149A		0	2.207
Rio Grande	Del Norte	112A		0.439	0.523
Rio Grande	Center	112A	8th St	15.228	15.705

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Rio Grande	Center	112A	County Line Rd	15.705	15.964
Rio Grande	Monte Vista	285B	Broadway	51.207	51.562
Rio Grande	South Fork	160A		183.859	187.972
Rio Grande	Del Norte	160A		201.661	201.708
Rio Grande	Del Norte	160A	Grand Av	201.708	202.426
Rio Grande	Monte Vista	160A	1st Av	214.68	215.928
Rio Grande	Monte Vista	160A	Grand Av	215.928	217.154
Routt	Yampa	131B		42.119	42.655
Routt	Oak Creek	131B		51.393	51.483
Routt	Oak Creek	131B	Main Srreet	51.483	51.959
Routt	Hayden	040A	Jefferson Av	106.777	108.344
Routt	Steamboat	040A		128.887	129.041
Routt	Steamboat	040A	Lincoln Av	129.323	135.617
Saguache	Saguache	114A	Gunnison Av	61.495	61.697
Saguache	Saguache	285B	8th St	85.884	86.29
Saguache	Saguache	285B	Gunnison Av	86.29	86.737
Saguache	Moffat	017B		105.016	106.391
San Juan	Silverton	110A	Green St.	0	0.14
San Juan	Silverton	550B		70.008	70.672
San Miguel	Sawpit	145A		79.891	79.898
San Miguel	Sawpit	145A	Wheeler St	79.898	80.176
San Miguel	Norwood	145A		100.847	100.877
San Miguel	Norwood	145A	Grand Av	100.877	101.498
Sedgwick	Sedgwick	138A	2nd Av	42.656	42.674
Sedgwick	Sedgwick	138A	Railroad St	42.768	43.254
Sedgwick	Ovid	138A	Saunders Av	50.325	50.751
Sedgwick	Ovid	138A	1st St	50.751	50.778
Sedgwick	Julesburg	138A	1st St	57.246	58.225
Sedgwick	Julesburg	385D		310.241	310.991
Summit	Blue River	009C		80.772	84.763
Summit	Breckenridge	009C		85.903	90.616
Summit	Breckenridge	009C	Summit Bd	90.616	90.641
Summit	Frisco	009C	Summit Bd	94.258	96.988
Summit	Silverthorne	009D	Blue River Py	101.562	104.569
Summit	Silverthorne	070A	Purple Heart Memorial Hwy	204.96	205.748
Summit	Silverthorne	006F		208.659	208.93
Summit	Dillon	006F		208.93	211.222
Teller	Victor	067C	Victor Av	45.56	45.841
Teller	Victor	067C	2nd St	45.841	45.842
Teller	Cripple Creek	067C	2nd St	50.677	51.363
Teller	Cripple Creek	067C	Bennett Av	51.363	51.682
Teller	Cripple Creek	067C	5th St	51.682	52.002
Teller	Cripple Creek	067C	Pikes Peak Av	52.002	52.259

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Teller	Woodland	067D		77.001	79.809
Teller	Woodland	024A		283.733	283.999
Teller	Woodland	024A	Midland Av / Scott Av	284.49	286.443
Teller	Woodland	024A	John A. Love Memorial Highway	286.443	286.899
Washington	Otis	061A	Dade Av	0	0.495
Washington	Akron	063A		27.638	28.578
Washington	Akron	063A	Cedar Av	28.878	29.726
Washington	Akron	034B	Edison St	195.528	195.538
Washington	Akron	034B	1st St	195.538	196.763
Washington	Otis	034B	1st St	209.047	209.815
Weld	Evans	085G		0	0.338
Weld	Fort Lupton	085E	Denver Av.	0	1.275
Weld	Greeley	034D		0	3.593
Weld	Greeley	034Z	10th Ave	0	0.094
Weld	Greeley	085H	8th Av	0	1.99
Weld	Greeley	263A	8th St	0	2.318
Weld	Kersey	037A		0	0.011
Weld	Milliken	257A	Quintine Av	0	2.64
Weld	Platteville	085F	Main St	0	1.375
Weld	Keenesburg	076B	Market St	0.066	0.306
Weld	Greeley	257B		0.074	1.1
Weld	Greeley	034Z	9th St	0.094	1.239
Weld	Garden City	085G		0.551	0.766
Weld	Greeley	085G		0.766	0.993
Weld	Greeley	085G	8th Av	0.993	1.625
Weld	Greeley	034Z	23rd Ave	1.239	1.301
Weld	Milliken	257A		2.64	2.654
Weld	Greeley	257A		3.137	6.13
Weld	Windsor	392A	Main St	3.211	4.455
Weld	Greeley	034D	10th St	3.593	10.194
Weld	Windsor	392B		5.413	5.795
Weld	Berthoud	056B	Mountain Av	5.522	9.022
Weld	Johnstown	060B	1st St	6.001	11.248
Weld	Johnstown	056B	Mountain Av	9.022	9.468
Weld	Windsor	257A		9.583	10.595
Weld	Greeley	034D	8th Ave	10.194	11.057
Weld	Windsor	257A	Main St	10.595	11.58
Weld	Frederick	052A		10.816	13.959
Weld	Greeley	034D	18th St	11.057	11.808
Weld	Milliken	060B	Broad St	11.333	13.892
Weld	Windsor	257A	7th St	11.58	14.54
Weld	Dacono	052A		13.178	14.144
Weld	Fort Lupton	052A	1st St	20.011	21.938

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Weld	Lochbuie	076A		25.145	28.468
Weld	Hudson	076A		28.468	34.603
Weld	Hudson	052A		28.997	30.751
Weld	Hudson	052A	Main St	29.462	29.753
Weld	Mead	066B		41.868	45.422
Weld	Platteville	066B		51.158	51.181
Weld	Platteville	066B	Justin Av	51.181	51.386
Weld	Longmont	119C	3rd Av	59.475	60.494
Weld	Lafayette	007D	Baseline Rd	64.34	64.412
Weld	Broomfield	007D	Baseline Rd	64.412	64.427
Weld	Greeley	034A		100.81	104.776
Weld	Greeley	034A	34 Bypass	104.776	113.426
Weld	Evans	034A	34 Bypass	112.102	112.89
Weld	Kersey	034A	Hill St	119.097	119.711
Weld	Severance	014C		144.158	147.04
Weld	Ault	014C	1st St	153.015	153.554
Weld	Raymer	014C		202.31	203.373
Weld	Erie	025A		231.884	232.101
Weld	Dacono	025A		232.105	235.104
Weld	Frederick	025A		235.104	237.126
Weld	Fort Lupton	085C		241.59	242.873
Weld	Mead	025A		242.693	246.21
Weld	Berthoud	025A		248.213	249.714
Weld	Johnstown	025A		249.714	252.425
Weld	Platteville	085C		250.385	252.182
Weld	Gilcrest	085C	2nd St	255.923	256.726
Weld	La Salle	085C	2nd St	262.308	263.144
Weld	La Salle	085C	85 Bypass	263.144	263.176
Weld	Evans	085C	85 Bypass	263.841	265.809
Weld	Greeley	085C	85 Bypass	265.809	265.849
Weld	Greeley	085L	Lake Av	265.849	266.042
Weld	Greeley	085L	Nevada Av	266.042	267.178
Weld	Greeley	085L	Oak Av	267.178	270.465
Weld	Eaton	085L	Oak Av	275.013	276.352
Weld	Eaton	085L		276.352	276.628
Weld	Ault	085L		279.262	280.304
Weld	Pierce	085L		283.176	284.165
Weld	Nunn	085L		287.996	291.144
Yuma	Yuma	059B	Detroit St	105.95	107.384
Yuma	Yuma	034B		222.344	222.366
Yuma	Yuma	034B	8th Av	222.366	223.709
Yuma	Wray	385D	Dexter St	242.576	243.487
Yuma	Wray	385D	Interocean Av	243.487	245.055

COUNTY	CITY	RTE	ALIAS	Beg MP	End MP
Yuma	Wray	034B	3rd St	249.413	250.766

APPENDIX B

Colorado Control Routes Cities

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Aguilar	025B		Las Animas	1.809	1.815
Aguilar	025B	FIR ST	Las Animas	1.815	1.948
Akron	063A		Washington	27.638	28.578
Akron	063A	Cedar Av	Washington	28.878	29.726
Akron	034B	Edison St	Washington	195.528	195.538
Akron	034B	1st St	Washington	195.538	196.763
Alamosa	285A	West Av	Alamosa	33.521	33.999
Alamosa	160A	Main St	Alamosa	230.798	233.556
Alamosa	160A	Denver St	Alamosa	233.416	233.485
Alamosa	160A	Broadway	Alamosa	233.485	233.53
Alma	009C		Park	70.34	71.173
Antonito	285A	Main St	Conejos	5.504	6.304
Antonito	285A		Conejos	6.304	6.431
Arriba	070A	Purple Heart	Lincoln	382.707	383.495
Arvada	076A		Jefferson	0	0.76
Arvada	072A	Ward Rd	Jefferson	0.976	2.321
Arvada	072A	Ralston Rd /	Jefferson	2.321	3.612
Arvada	072A	Indiana St	Jefferson	3.612	4.651
Arvada	072A		Jefferson	4.651	14.37
Arvada	093A		Jefferson	7.097	7.588
Arvada	095A	Sheridan Bd	Adams	12.975	13.188
Arvada	121A	Wadsworth Bd	Jefferson	16.67	21.678
Arvada	070A	Purple Heart	Jefferson	268.692	269.5
Aspen	082A	Old Hwy 82	Pitkin	38.32	39.823
Aspen	082A	Hallum St	Pitkin	39.823	40.381
Aspen	082A	Seventh St	Pitkin	40.381	40.494
Aspen	082A	Main St	Pitkin	40.494	41.43
Aspen	082A	Original St	Pitkin	41.43	41.573
Aspen	082A	Cooper St	Pitkin	41.573	42.111
Aspen	082A		Pitkin	42.111	42.21
Ault	014C	1st St	Weld	153.015	153.554
Ault	085L		Weld	279.262	280.304
Aurora	030A	Hampden Av.	Denver	2.089	2.241
Aurora	030A	Havana St.	Denver	3.823	6.719
Aurora	030A	Havana St.	Arapahoe	3.831	7.844
Aurora	225A		Arapahoe	3.94	10.158
Aurora	470B	E 470	Douglas	5.75	6.18
Aurora	470B	E 470	Arapahoe	6.18	20.324
Aurora	030A	6th Av.	Arapahoe	7.844	13.754
Aurora	225A		Adams	10.158	11.997
Aurora	030A	SH 30	Arapahoe	13.754	17
Aurora	030A	Gun Club Rd.	Arapahoe	17	20.416
Aurora	088B	Arapahoe Rd	Arapahoe	20.494	21.734

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Aurora	470B	E 470	Adams	20.745	24.503
Aurora	083A	Parker Rd	Arapahoe	63.283	72.841
Aurora	036C	Adams St	Adams	76.467	84.762
Aurora	070A	Purple Heart	Adams	282.563	288.148
Aurora	040C	Colfax Av	Adams	303.609	308
Aurora	040C	Colfax Av	Arapahoe	308	311.596
Avon	070A	Purple Heart	Eagle	164.691	168.557
Avon	006E		Eagle	170.012	172.297
Basalt	082A	Old Hwy 82	Eagle	20.148	24.122
Bayfield	160E	BayField Bus	La Plata	0.926	1.91
Bayfield	160A		La Plata	103.346	103.479
Bennett	079A		Adams	0.745	1.277
Bennett	079B		Adams	1.58	1.84
Bennett	036C	Adams St	Adams	88.825	88.836
Bennett	036C	Colfax St	Adams	88.836	89.21
Bennett	036D		Adams	89.126	89.326
Bennett	070A	Purple Heart	Arapahoe	305.324	305.539
Berthoud	056A		Larimer	2.992	3.092
Berthoud	056B	Mountain Av	Larimer	4.491	5.522
Berthoud	056B	Mountain Av	Weld	5.522	9.022
Berthoud	025A		Weld	248.213	249.714
Berthoud	287C	Mountain Av	Larimer	325.529	326.899
Berthoud	287D		Larimer	326.31	329.149
Berthoud	287C	1st St	Larimer	326.899	327
Berthoud	287C	Lincoln Av	Larimer	327.509	329.167
Bethune	024C		Kit Carson	446.85	447.343
Black Hawk	119A	Clear Creek St	Gilpin	6.027	8.049
Blanca	160A	Main St	Costilla	252.714	254.506
Blue River	009C		Summit	80.772	84.763
Boone	209A	Hughes Av	Pueblo	1.356	1.528
Boone	096B		Pueblo	75.142	76.027
Boulder	036E	Baseline Rd	Boulder	0	0.278
Boulder	157A	Foothills Py	Boulder	0	4.447
Boulder	093A	Broadway	Boulder	15.002	18.849
Boulder	036B		Boulder	33.947	39.26
Boulder	119A	Canyon Bd	Boulder	40.587	41.892
Boulder	119B	Diagonal Hwy	Boulder	44.237	45.092
Boulder	007B	Canyon Bd.	Boulder	49.506	50.639
Boulder	007C	Arapahoe	Boulder	52.487	55.115
Branson	389A	Main St	Las Animas	1.057	1.834
Branson	389A	Athens St	Las Animas	1.834	2.151
Breckenridge	009C		Summit	85.903	90.616
Breckenridge	009C	Summit Bd	Summit	90.616	90.641

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Brighton	022A		Adams	0	2.476
Brighton	002D	Sable Bd	Adams	0.104	4.999
Brighton	076A		Adams	17.227	24.577
Brighton	470B	E 470	Adams	35.471	38.767
Brighton	007D	Bridge St	Adams	76.592	81.644
Brighton	085C		Adams	229.749	235.603
Brookside	115A	Cedar Av	Fremont	3.639	4.206
Broomfield	128A		Jefferson	4.128	4.313
Broomfield	128A		Broomfield	5.14	5.148
Broomfield	128A	120TH Av	Broomfield	5.517	8.385
Broomfield	121A	Wadsworth Bd	Broomfield	24.832	26.3
Broomfield	036B	Denver/Boulde	Broomfield	45.177	49.378
Broomfield	470B	E 470	Adams	46.393	46.398
Broomfield	470N	C-470	Broomfield	46.398	54.45
Broomfield	007D	Baseline Rd	Weld	64.412	64.427
Broomfield	007D	Baseline Rd	Broomfield	64.427	64.888
Broomfield	007D	160TH Av	Broomfield	64.888	68.457
Broomfield	007D	Bridge St	Broomfield	68.457	68.565
Broomfield	025A		Adams	226.841	229.107
Broomfield	025A		Broomfield	227.347	231.09
Broomfield	287C	120th Ave	Broomfield	296.087	298.119
Broomfield	287C	Commerce St	Broomfield	298.119	299.201
Broomfield	287C	Lafayette	Broomfield	299.201	299.821
Brush	076A		Morgan	89.429	89.769
Brush	034B	Edison St	Morgan	170.406	172.898
Brush	071E	Colorado Av	Morgan	175.486	176.956
Buena Vista	024A		Chaffee	209.967	211.296
Burlington	070Q	Rose Av	Kit Carson	0	0.267
Burlington	385C	Lincoln St	Kit Carson	187.473	187.886
Burlington	385C	Rose Av	Kit Carson	187.886	188.855
Burlington	385C	8th St	Kit Carson	188.855	189.344
Burlington	070A	Purple Heart	Kit Carson	438.222	438.532
Burlington	024C	Rose Av	Kit Carson	453.871	454.87
Burlington	024D	Rose Av	Kit Carson	455.882	456.722
Calhan	024G	John A. Love	El Paso	339.859	340.93
Campo	287A	Main St	Baca	8.643	9.153
Campo	287A		Baca	9.153	9.174
Canon City	115A	9th St	Fremont	0	0.792
Canon City	050A	Royal Gorge	Fremont	276.74	282.626
Canon City	050A		Fremont	282.894	283.101
Carbondale	133A		Garfield	66.464	68.725
Castle Rock	086A	Fifth Street	Douglas	1.871	5.165
Castle Rock	086B	Old Founders	Douglas	100	104.348

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Castle Rock	025A		Douglas	178.927	188
Castle Rock	085B		Douglas	184.684	186.282
Castle Rock	025A	Monument	Douglas	188	188.653
Cedaredge	065A		Delta	9.705	11.729
Cedaredge	065A	Main St	Delta	9.727	11.296
Centennial	177A	University Bd	Arapahoe	0.1	2.961
Centennial	088B	Arapahoe Rd	Arapahoe	17.584	20.494
Centennial	083A	Parker Rd	Douglas	63.107	63.115
Centennial	083A	Parker Rd	Arapahoe	63.115	66.511
Centennial	025A	South East	Douglas	195.103	195.13
Centennial	025A	South East	Arapahoe	195.13	196.72
Center	112A	8th St	Rio Grande	15.228	15.705
Center	112A	County Line	Rio Grande	15.705	15.964
Cheraw	109A	E Grand Av	Otero	65.391	65.768
Cherry Hills	177A	University Bd	Arapahoe	4.116	5.999
Cherry Hills	088A	Belleview Av	Arapahoe	10.575	13.914
Cherry Hills	285D	Hampden Av	Arapahoe	260.67	262.434
Cherry Hills	285D	Hampden Av	Denver	262.434	263.185
Cheyenne	385C	E 5th St S	Cheyenne	150.312	150.431
Cheyenne	385C	S 2nd St E	Cheyenne	150.431	150.781
Cheyenne	385C	W 1st St S	Cheyenne	150.781	150.926
Cheyenne	385C	W 1st St N	Cheyenne	150.926	151.336
Cheyenne	040H		Cheyenne	469.378	470.674
Cokedale	012A		Las Animas	62.518	62.819
Collbran	330A	High St	Mesa	9.794	11.395
Colorado	025D	Nevada Av / I-	El Paso	0	6.756
Colorado	029A	Lake Av.	El Paso	0	0.329
Colorado	038A	Filmore St	El Paso	0	0.874
Colorado	083B	Academy Bd	El Paso	0	0.235
Colorado	094A		El Paso	0	4.616
Colorado	029A	Circle Dr	El Paso	0.329	3.096
Colorado	029A	Airport Rd.	El Paso	3.096	4.351
Colorado	083A	Academy Bd	El Paso	3.558	16.222
Colorado	024E	Manitou Spgs	El Paso	3.755	4.182
Colorado	083A		El Paso	16.222	20.26
Colorado	115A	Nevada Av	El Paso	43.827	45.999
Colorado	025A	Ronald Reagan	El Paso	136.902	149
Colorado	085K		El Paso	138.746	140.798
Colorado	025A	Academy Blvd	El Paso	149	149.353
Colorado	024A	John A. Love	El Paso	301.075	303.816
Colorado	024G	John A. Love	El Paso	304.036	318.37
Commerce	044A	104th Av	Adams	0	2.245
Commerce	002D	Sable Bd	Adams	0.084	0.104

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Commerce	265A	Brighton Bd	Denver	0.905	1.198
Commerce	270A		Adams	0.925	4.259
Commerce	265A	Brighton Bd	Adams	1.198	3.621
Commerce	224A	74th Av	Adams	2.861	3.634
Commerce	076A		Adams	8.844	17.14
Commerce	035A		Denver	9.34	9.355
Commerce	002A	Colorado Bd	Denver	9.478	9.587
Commerce	002A	Colorado Bd	Adams	9.587	9.842
Commerce	002B	Hansen Bd	Adams	11.001	13.345
Commerce	002C		Adams	12.895	18.542
Commerce	470B	E 470	Adams	29.346	35.455
Commerce	085C		Adams	227.341	229.749
Commerce	006H	Vasquez Bd	Adams	292.054	295.286
Cortez	145A	State St	Montezuma	0	0.203
Cortez	491C	SH 666 Bus Rt	Montezuma	0	0.242
Cortez	145A	Dolores Rd	Montezuma	0.203	1.39
Cortez	491B	Broadway	Montezuma	26.371	27.216
Cortez	491B		Montezuma	27.216	27.22
Cortez	160A		Montezuma	35.901	40.779
Cortez	160A	Broadway	Montezuma	35.962	37.869
Cortez	160A	Main St	Montezuma	37.869	39.864
Cortez	160A	Mancos Rd	Montezuma	39.864	40.735
Craig	040Z	Victory Wy	Moffat	0	0.715
Craig	394A	Ranney St	Moffat	0	0.224
Craig	013A	CR 7	Moffat	88.098	88.635
Craig	040A	W. Victory	Moffat	88.149	91.533
Craig	013B	Yampa St	Moffat	89.608	91.336
Craig	040A	Pershing St.	Moffat	90.358	90.531
Craig	040A	4th St.	Moffat	90.531	91.091
Craig	040A	Lincoln St.	Moffat	91.091	91.262
Craig	040A		Moffat	91.533	93
Craig	040A	Jefferson Av	Moffat	93	93.123
Crawford	092A	Crawford St	Delta	30.8	31.279
Crawford	092A	Dogwood St	Delta	31.279	31.525
Crawford	092A	Graham Av	Delta	31.525	31.709
Creede	149A	La Garita St	Mineral	21.43	21.572
Creede	149A	7th St	Mineral	21.572	21.629
Creede	149A	Main St	Mineral	21.629	22.057
Crested Butte	135A		Gunnison	27.159	27.175
Crested Butte	135A	6th St	Gunnison	27.2	27.484
Cripple Creek	067C	2nd St	Teller	50.677	51.363
Cripple Creek	067C	Bennett Av	Teller	51.363	51.682
Cripple Creek	067C	5th St	Teller	51.682	52.002

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Cripple Creek	067C	Pikes Peak Av	Teller	52.002	52.259
Crook	055A	1st St	Logan	0	0.162
Crook	055A		Logan	0.162	0.294
Crook	138A	Park Av	Logan	27.463	27.503
Crook	138A	2nd Av	Logan	27.503	27.9
Dacono	052A		Weld	13.178	14.144
Dacono	025A		Weld	232.105	235.104
Deer Trail	070N	Cedar St	Arapahoe	0	0.318
Deer Trail	070A	Purple Heart	Arapahoe	327.579	328.754
Deer Trail	040E	1st Ave	Arapahoe	349.914	351.147
Del Norte	112A	Oak Av	Rio Grande	0	0.439
Del Norte	112A		Rio Grande	0.439	0.523
Del Norte	160A		Rio Grande	201.661	201.708
Del Norte	160A	Grand Av	Rio Grande	201.708	202.426
Delta	092A	Crawford Av	Delta	0	0.239
Delta	348A	6th St	Delta	0	0.29
Delta	092A		Delta	0.239	2.107
Delta	348A	Silver St	Delta	0.29	0.479
Delta	348A	Bridge St	Delta	0.479	0.7
Delta	050A		Delta	64.951	70.545
Delta	050A	Main St	Delta	70.545	73.264
Denver	002A	Colorado Bd	Denver	0	9.478
Denver	030A	Hampden Av.	Denver	0	2.602
Denver	088A	Federal Bd	Denver	0	7.552
Denver	225A		Denver	0	1.624
Denver	265A	Brighton Bd	Denver	0	1.184
Denver	076A		Denver	1.014	1.177
Denver	095A	Sheridan Bd	Denver	1.235	7.224
Denver	095A	Sheridan Bd	Jefferson	1.25	7.719
Denver	030A	Havana St.	Denver	2.602	3.823
Denver	002A	Colorado Bd	Arapahoe	3.497	4.144
Denver	270A		Denver	4.259	5.351
Denver	121A	Wadsworth Bd	Denver	4.674	8.639
Denver	088A	Federal Bd	Arapahoe	7.453	7.646
Denver	088A	Federal Bd	Adams	7.552	7.608
Denver	121A	Wadsworth Bd	Jefferson	8.141	8.424
Denver	035A		Denver	8.553	9.57
Denver	026B	Alameda Av	Denver	11.17	14.296
Denver	470B	E 470	Denver	27.052	28.57
Denver	083A	Leetsdale Dr	Denver	74.541	77.267
Denver	083A	Leetsdale Dr	Arapahoe	74.827	76.891
Denver	025A	South East	Denver	199.72	206.619
Denver	025A	Valley	Denver	206.619	209.268

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Denver	085B	Santa Fe Dr	Denver	207.945	211.123
Denver	025A	Mouse Trap	Denver	209.268	214.46
Denver	285D	Hampden Av	Denver	255.753	263.874
Denver	285D	Hampden Av	Arapahoe	257.56	262.204
Denver	070A	Purple Heart	Jefferson	270.479	270.496
Denver	070A	Purple Heart	Denver	270.496	282.563
Denver	006G	6th Av	Denver	282.333	284.477
Denver	287C	Federal Bd	Denver	282.679	286.351
Denver	287C	Federal Bd	Adams	286.351	286.422
Denver	006H	Vasquez Bd	Denver	291.075	292.054
Denver	040C	Colfax Av	Denver	294.273	303.607
Denver	040C	Colfax Av	Adams	303.607	303.609
Dillon	006F		Summit	208.93	211.222
Dinosaur	064A	Stegosaurus	Moffat	0	0.542
Dinosaur	064A		Moffat	0.542	0.923
Dinosaur	040A		Moffat	2.421	2.765
Dinosaur	040A	Brontosaurus	Moffat	2.765	3.283
Dolores	145A	Railroad Av	Montezuma	9.698	11.156
Dove Creek	491B		Dolores	60.84	61.846
Durango	003A	8th Av	La Plata	0	2.194
Durango	003A	Santa Rita Dr	La Plata	2.194	2.444
Durango	550B	Camino Del	La Plata	21.001	21.553
Durango	550B	Main Av	La Plata	21.553	25.852
Durango	160A		La Plata	81.356	87.862
Eads	287B	15th St	Kiowa	112.688	113.42
Eads	287B	Wansted St	Kiowa	113.42	113.942
Eads	096C		Kiowa	165.967	165.971
Eagle	070F	Eby Creek Rd	Eagle	0	0.255
Eagle	070A	Purple Heart	Eagle	146.398	146.547
Eagle	006E	Grand Av	Eagle	148.93	149.738
Eaton	085L	Oak Av	Weld	275.013	276.352
Eaton	085L		Weld	276.352	276.628
Edgewater	095A	Sheridan Bd	Jefferson	6.245	6.666
Edgewater	095A	Sheridan Bd	Denver	6.666	7.037
Elizabeth	086A	Kiowa Av	Elbert	15.094	16.267
Elizabeth	086A	Commance St	Elbert	16.267	16.284
Empire	040A		Clear Creek	255.837	255.885
Empire	040A	Park Av	Clear Creek	255.885	256.424
Englewood	075A	Broadway	Arapahoe	2.182	2.28
Englewood	088A	Federal Bd	Arapahoe	7.134	7.939
Englewood	088A	Belleview Av	Arapahoe	7.939	10.575
Englewood	085B	Santa Fe Dr	Arapahoe	205.067	207.945
Englewood	285D	Hampden Av	Arapahoe	259.227	261.945

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Erie	025A		Weld	231.884	232.101
Erie	287C	N 10th St	Boulder	306.869	307.376
Erie	287C	Main St	Boulder	307.376	307.54
Estes Park	007A	S St. Vrain	Larimer	0	2.295
Estes Park	034C	Elkhorn Av	Larimer	0	1.69
Estes Park	036B	N St. Vrain	Larimer	0	1.363
Estes Park	007A		Larimer	2.295	4.326
Estes Park	036A		Larimer	5.121	5.141
Estes Park	036A	Morraine Av	Larimer	5.141	6.982
Estes Park	034A	Fall River Rd	Larimer	59.012	60.965
Estes Park	034A	Wonderview	Larimer	60.965	62.507
Estes Park	034A	Big Thompson	Larimer	62.507	64.232
Estes Park	034A		Larimer	64.232	64.792
Evans	085G		Weld	0	0.338
Evans	034A	34 Bypass	Weld	112.102	112.89
Evans	085C	85 Bypass	Weld	263.841	265.809
Fairplay	009C		Park	64.673	65.696
Fairplay	285D		Park	182.936	183.475
Federal	287C	Federal Bd	Adams	290.77	292.779
Fleming	006J	Weston / S.	Logan	424.67	425.193
Fleming	006J		Logan	425.193	425.217
Florence	115A	3rd St	Fremont	7.864	8.28
Florence	115A	Church St	Fremont	8.28	8.36
Florence	115A		Fremont	8.36	9.629
Florence	115A	Main St	Fremont	8.487	9.616
Florence	067A		Fremont	9.521	10.836
Florence	067A	Robinson Av	Fremont	10.836	10.999
Florence	067B	Pikes Peak Av	Fremont	11.562	11.966
Fort Collins	014C	Riverside	Larimer	134.726	135.711
Fort Collins	014C	Mulberry St.	Larimer	135.711	136.123
Fort Collins	025A		Larimer	266.467	272.477
Fort Collins	287C	College Av	Larimer	339.513	348.434
Fort Lupton	085E	Denver Av.	Weld	0	1.275
Fort Lupton	052A	1st St	Weld	20.011	21.938
Fort Lupton	085C		Weld	241.59	242.873
Fort Morgan	144A	Riverview	Morgan	28.716	28.796
Fort Morgan	076A		Morgan	80.138	81.913
Fort Morgan	052B	Main St	Morgan	86.481	87.41
Fort Morgan	034B	Platte Av	Morgan	162.147	165.465
Fountain	016A		El Paso	0.05	1.317
Fountain	025A	Ronald Reagan	El Paso	119.615	128.856
Fountain	085A	Santa Fe	El Paso	128.001	131.998
Fowler	167A	Main St	Otero	1.49	2.005

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Fowler	167A	Grant Av	Otero	2.005	2.395
Fowler	050B	Cranston Av	Otero	350.653	351.301
Foxfield	083A	Parker Rd	Arapahoe	64.77	65.3
Fraser	040A	Zerex St	Grand	226.471	228.65
Frederick	052A		Weld	10.816	13.959
Frederick	025A		Weld	235.104	237.126
Frisco	009C	Summit Bd	Summit	94.258	96.988
Fruita	340A	Aspen St	Mesa	0	0.245
Fruita	340A	Cherry St	Mesa	0.245	0.408
Fruita	340A	Coulson St	Mesa	0.408	1.289
Fruita	340A	Broadway /	Mesa	1.465	1.514
Fruita	070A	Purple Heart	Mesa	19.135	21.746
Fruita	006A		Mesa	19.176	22.452
Garden City	085G		Weld	0.551	0.766
Genoa	070A	Purple Heart	Lincoln	370.912	371.056
Georgetown	070A	Purple Heart	Clear Creek	226.998	229.002
Gilcrest	085C	2nd St	Weld	255.923	256.726
Glendale	002A	Colorado Bd	Arapahoe	3.629	4.121
Glendale	083A	Leetsdale Dr	Arapahoe	76.598	76.88
Glenwood	006K	W 6th St.	Garfield	0	0.338
Glenwood	082A		Garfield	0	0.07
Glenwood	082A	6th St	Garfield	0.07	0.176
Glenwood	082A	Grand Av	Garfield	0.176	1.401
Glenwood	082A	Old Hwy 82	Garfield	1.401	2.35
Glenwood	070A	Purple Heart	Garfield	113.971	117.758
Golden	058A		Jefferson	0	2.452
Golden	093A		Jefferson	0	1.783
Golden	470A	C-470	Jefferson	0.035	0.086
Golden	470W	C 470	Jefferson	0.454	1.212
Golden	070A	Purple Heart	Jefferson	259.839	260.939
Golden	006G	6th Av	Jefferson	270.851	275.41
Golden	040C	Colfax Av	Jefferson	285.656	287.551
Granada	385A	Main St	Prowers	95.055	95.676
Granada	385A		Prowers	95.676	95.694
Granada	050B		Prowers	452.263	452.272
Granada	050B	Goff St	Prowers	452.272	452.964
Granada	050B	Colorado St	Prowers	452.964	452.974
Granby	040A	Agate Av	Grand	211.314	212.459
Granby	040A	Zerex St	Grand	212.459	212.563
Grand	070B	I-70 Bus Rt	Mesa	0	10.377
Grand	070Z	Ute Av	Mesa	0	1.269
Grand	070B	1st St	Mesa	4.952	5.389
Grand	070B	Pitkin Av	Mesa	5.389	6.588

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Grand	340A	Broadway	Mesa	8.56	13.223
Grand	340A	Grand Ave	Mesa	13.223	13.341
Grand	070A	Purple Heart	Mesa	25.158	33.941
Grand	006A		Mesa	25.198	25.998
Grand	006B	North Av	Mesa	30.27	34.375
Grand	050A	5th St.	Mesa	32.001	32.945
Grand	050A		Mesa	32.945	34.514
Grand Lake	034A		Grand	14.05	15.017
Greeley	034D		Weld	0	3.593
Greeley	034Z	10th Ave	Weld	0	0.094
Greeley	085H	8th Av	Weld	0	1.99
Greeley	263A	8th St	Weld	0	2.318
Greeley	257B		Weld	0.074	1.1
Greeley	034Z	9th St	Weld	0.094	1.239
Greeley	085G		Weld	0.766	0.993
Greeley	085G	8th Av	Weld	0.993	1.625
Greeley	034Z	23rd Ave	Weld	1.239	1.301
Greeley	257A		Weld	3.137	6.13
Greeley	034D	10th St	Weld	3.593	10.194
Greeley	034D	8th Ave	Weld	10.194	11.057
Greeley	034D	18th St	Weld	11.057	11.808
Greeley	034A		Weld	100.81	104.776
Greeley	034A	34 Bypass	Weld	104.776	113.426
Greeley	085C	85 Bypass	Weld	265.809	265.849
Greeley	085L	Lake Av	Weld	265.849	266.042
Greeley	085L	Nevada Av	Weld	266.042	267.178
Greeley	085L	Oak Av	Weld	267.178	270.465
Green Mtn	024A	John A. Love	El Paso	289.483	289.625
Greenwood	225A		Arapahoe	1.624	1.799
Greenwood	177A	University Bd	Arapahoe	2.961	4.116
Greenwood	088A	Belleview Av	Arapahoe	12.72	14.736
Greenwood	088B	Arapahoe Rd	Arapahoe	17.001	17.584
Greenwood	025A	South East	Arapahoe	196.72	199.392
Gunnison	135A	Main St	Gunnison	0	0.997
Gunnison	050A		Gunnison	156.2	157.906
Gypsum	070A	Purple Heart	Eagle	139.38	139.749
Gypsum	006E		Eagle	142.001	142.617
Haswell	096C		Kiowa	143.78	144.609
Haswell	096C	4th St	Kiowa	144.332	144.496
Haxtun	059B	Washington	Phillips	147.004	147.854
Haxtun	006J		Phillips	436.184	436.747
Haxtun	006J	Bee St	Phillips	436.747	436.766
Hayden	040A	Jefferson Av	Routt	106.777	108.344

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Hillrose	006J		Morgan	376.316	376.833
Holly	089A	1st St	Prowers	34	34.34
Holly	050B	Colorado St	Prowers	462.737	463.509
Holyoke	385D		Phillips	278.952	279.745
Holyoke	006J	Denver St	Phillips	453.04	454.893
Hooper	112A	County Line	Alamosa	27.763	27.802
Hooper	017B	5th Av	Alamosa	87.695	88.195
Hot Sulphur	040A	Byers Av	Grand	201.284	202.343
Hot Sulphur	040A	Agate Av	Grand	202.343	202.389
Hotchkiss	133A		Delta	0	0.343
Hotchkiss	092A	Bridge St	Delta	20.082	21.744
Hudson	076A		Weld	28.468	34.603
Hudson	052A		Weld	28.997	30.751
Hudson	052A	Main St	Weld	29.462	29.753
Hugo	040H	Clifford Av	Lincoln	398.019	399.627
Hugo	040H	3rd St	Lincoln	399.627	399.686
Idaho Springs	103A	13th Av	Clear Creek	0	0.119
Idaho Springs	103A	Chicago Creek	Clear Creek	0.119	0.296
Idaho Springs	070K	Colorado Bd	Clear Creek	0.225	2.23
Idaho Springs	070A	Purple Heart	Clear Creek	238.927	240.758
Ignacio	151A	Ute St	La Plata	0	0.066
Ignacio	151A		La Plata	0.066	0.084
Ignacio	172A	Goddard St	La Plata	8.649	9.119
Ignacio	172A		La Plata	9.119	9.347
Iliff	138A		Logan	11.68	12.287
Johnstown	402A	14th St SE	Larimer	3.888	4.225
Johnstown	060B	1st St	Weld	6.001	11.248
Johnstown	056B	Mountain Av	Weld	9.022	9.468
Johnstown	034A		Larimer	96.528	97.68
Johnstown	025A		Weld	249.714	252.425
Johnstown	025A		Larimer	253.216	256.316
Julesburg	138A	1st St	Sedgwick	57.246	58.225
Julesburg	385D		Sedgwick	310.241	310.991
Keenesburg	076B	Market St	Weld	0.066	0.306
Kersey	037A		Weld	0	0.011
Kersey	034A	Hill St	Weld	119.097	119.711
Kim	160C		Las Animas	414.188	414.761
Kiowa	086A	Commance St	Elbert	22.613	23.585
Kiowa	086A		Elbert	23.906	24.739
Kit Carson	059A		Cheyenne	0	0.497
Kit Carson	040H	3rd St	Cheyenne	444.625	445.644
Kremmling	009D	6th St	Grand	137.618	138.92
Kremmling	040A	Park Av	Grand	184.103	185.739

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Kremmling	040A	Byers Av	Grand	185.739	186.603
La Jara	136A	Main St	Conejos	0	0.152
La Jara	136A	Walnut St	Conejos	0.152	0.553
La Jara	285A		Conejos	19.375	19.597
La Jara	285A	Spruce St	Conejos	19.597	20.026
La Jara	285A	West Av	Conejos	20.026	20.032
La Junta	109B	Bradish Av	Otero	0	0.14
La Junta	109B	3rd St	Otero	0.14	0.184
La Junta	109A	Adams Av	Otero	55.262	56.01
La Junta	109A	E Grand Av	Otero	56.01	56.018
La Junta	010A	4th St.	Otero	71.359	71.563
La Junta	010A	Dalton Av	Otero	71.563	71.968
La Junta	350A		Otero	72.313	72.444
La Junta	350A	5th St	Otero	72.444	72.77
La Junta	350A	Barnes Av	Otero	72.77	72.999
La Junta	050B		Otero	376.952	378.816
La Junta	050B	3rd St.	Otero	378.816	378.885
La Junta	050B	1st St.	Otero	378.885	380.861
La Salle	085C	2nd St	Weld	262.308	263.144
La Salle	085C	85 Bypass	Weld	263.144	263.176
La Veta	012A	Main St.	Huerfano	4.26	5.039
La Veta	012A	Grand Av.	Huerfano	5.039	5.157
La Veta	012A	Oak St.	Huerfano	5.157	5.605
La Veta	012A		Huerfano	5.605	5.668
Lafayette	042A	95th St.	Boulder	0	1.263
Lafayette	042A	96th St.	Boulder	1.263	1.436
Lafayette	042A		Boulder	4.496	4.876
Lafayette	470N	C-470	Broomfield	52.335	52.789
Lafayette	007C	Arapahoe	Boulder	59.033	60.683
Lafayette	007D	Baseline Rd	Boulder	61.877	64.34
Lafayette	007D	Baseline Rd	Weld	64.34	64.412
Lafayette	287C	Lafayette	Boulder	300.83	304.023
Lafayette	287C	N 10th St	Boulder	304.023	306.869
Lake City	149A	Gunnison St	Hinsdale	71.989	72.977
Lake City	149A		Hinsdale	73.138	73.325
Lakewood	391A	Kipling St	Jefferson	0	7.367
Lakewood	470A	C-470	Jefferson	0.609	5.94
Lakewood	095A	Sheridan Bd	Denver	1	6
Lakewood	095A	Sheridan Bd	Jefferson	1.255	6.245
Lakewood	008A	Morrison Rd	Jefferson	3.128	8.683
Lakewood	121A	Wadsworth Bd	Jefferson	4.962	14.619
Lakewood	121A	Wadsworth Bd	Denver	6.522	8.713
Lakewood	285D		Jefferson	250.036	250.082

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Lakewood	285D	Hampden Av	Jefferson	250.082	255.396
Lakewood	070A	Purple Heart	Jefferson	262.059	263.122
Lakewood	006G	6th Av	Jefferson	276.301	282.333
Lakewood	040C	Colfax Av	Jefferson	288.019	294.273
Lamar	287A		Prowers	75.983	77.639
Lamar	050B	Main St.	Prowers	434.316	435.39
Lamar	050B	Olive St.	Prowers	435.39	436.262
Lamar	050B		Prowers	436.262	436.313
Las Animas	101A	Carson Av	Bent	0	0.389
Las Animas	050B	Ambassador	Bent	398.053	398.834
Las Animas	050B	Bent Av.	Bent	398.834	399.838
Leadville	024A	Poplar / 9th St	Lake	175.445	176.811
Leadville	024A		Lake	176.811	176.962
Limon	024F	24 Spur	Lincoln	0.128	0.386
Limon	071C		Lincoln	100.138	100.242
Limon	071C	Indiana Av	Lincoln	100.242	100.999
Limon	071D	1st Av	Lincoln	102.001	102.631
Limon	070A	Purple Heart	Lincoln	359.862	361.752
Limon	024G	3rd St / Main	Lincoln	377.665	379.24
Littleton	075A	Broadway	Arapahoe	2.28	2.65
Littleton	075B	Bowles Av.	Arapahoe	4.343	5.287
Littleton	075B	Platte Canyon	Arapahoe	5.287	5.413
Littleton	088A	Belleview Av	Arapahoe	8.061	9.099
Littleton	470A	C-470	Arapahoe	15.848	16.184
Littleton	470A	C-470	Douglas	17.181	17.616
Littleton	085B	Santa Fe Dr	Arapahoe	200.55	205.067
Lochbuie	076A		Weld	25.145	28.468
Lone Tree	470B	E 470	Douglas	0	0.084
Lone Tree	470A	C-470	Douglas	24.163	26.195
Lone Tree	025A	Monument	Douglas	190.971	192
Lone Tree	025A	South East	Douglas	192	195.103
Longmont	066B		Boulder	34.071	38.409
Longmont	119B	Diagonal Hwy	Boulder	54.006	55.45
Longmont	119B	Ken Pratt Blvd	Boulder	55.45	55.97
Longmont	119B	Longmont	Boulder	55.97	59.089
Longmont	119C	3rd Av	Boulder	59.089	59.475
Longmont	119C	3rd Av	Weld	59.475	60.494
Longmont	287C	Main St	Boulder	313.153	318.04
Louisville	042A	96th St.	Boulder	1.436	2.675
Louisville	042A		Boulder	3.14	3.869
Louisville	170A		Boulder	5	5.558
Louisville	470N	C-470	Broomfield	53.271	53.291
Loveland	287Z	Cleveland Av	Larimer	0	1.763

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Loveland	402A	14th St SE	Larimer	0	0.46
Loveland	034A	Eisenhower Bd	Larimer	87.735	93.798
Loveland	034A		Larimer	93.798	97.202
Loveland	025A		Larimer	257.449	259.304
Loveland	287C	Lincoln Av	Larimer	331.987	334.877
Loveland	287C	Buchanan Av	Larimer	334.877	335.227
Loveland	287C	Lincoln Av /	Larimer	335.227	337.664
Lyons	036Z	Main St	Boulder	0	0.299
Lyons	036B		Boulder	19.836	20.912
Lyons	036B	5th St.	Boulder	20.287	20.357
Lyons	036B	Broadway	Boulder	20.357	20.895
Lyons	007A		Boulder	32.624	32.759
Lyons	007A	5th Av	Boulder	32.759	32.999
Manassa	142A	Main St	Conejos	2.275	3.276
Manassa	142A		Conejos	3.276	3.282
Mancos	160D	Grand Av	Montezuma	0.535	1.93
Mancos	184B		Montezuma	26.173	26.236
Mancos	184B	Main St	Montezuma	26.236	26.599
Mancos	160A		Montezuma	55.222	56.212
Manitou	024E	Manitou Av	El Paso	0.304	3.228
Manitou	024E	Manitou Spgs	El Paso	3.228	3.282
Manitou	024A	John A. Love	El Paso	297.362	299.572
Manzanola	207A	Park St	Otero	0	0.34
Manzanola	050B	1st St	Otero	359.462	360
Mead	066B		Weld	41.868	45.422
Mead	025A		Weld	242.693	246.21
Meeker	013A		Rio Blanco	41.06	41.08
Meeker	013A	Market St	Rio Blanco	41.08	45.818
Meeker	013A	CR 7	Rio Blanco	45.818	45.908
Merino	006J		Logan	391.727	391.732
Merino	006J	Platte St	Logan	391.732	392.013
Milliken	257A	Quintine Av	Weld	0	2.64
Milliken	257A		Weld	2.64	2.654
Milliken	060B	Broad St	Weld	11.333	13.892
Minturn	024A	10th Mountain	Eagle	143.536	147.282
Moffat	017B		Saguache	105.016	106.391
Monte Vista	015A	Broadway	Rio Grande	0	0.88
Monte Vista	285B	Broadway	Rio Grande	51.207	51.562
Monte Vista	160A	1st Av	Rio Grande	214.68	215.928
Monte Vista	160A	Grand Av	Rio Grande	215.928	217.154
Montrose	090B	Spring Creek	Montrose	88.747	89.858
Montrose	050A	N. Townsend	Montrose	89.849	92.841
Montrose	050A	E Main St	Montrose	92.841	95.125

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Montrose	050A		Montrose	97.362	98.183
Montrose	550B		Montrose	126.164	127.74
Montrose	550B	S Townsand	Montrose	127.74	129.257
Monument	105A		El Paso	5.269	6
Morrison	008A		Jefferson	0.042	1.916
Morrison	008A	Bear Creek Av	Jefferson	1.916	2.466
Morrison	470A	C-470	Jefferson	2.371	4.174
Morrison	008A	Morrison Rd	Jefferson	2.66	2.785
Morrison	074A		Jefferson	17.711	17.789
Morrison	074A	Bear Creek	Jefferson	17.789	17.999
Morrison	285D		Jefferson	247.207	248.356
Naturita	097A		Montrose	0	0.44
Naturita	141A		Montrose	59.897	61.13
Naturita	141A	Main St	Montrose	60.054	60.96
Nederland	119A		Boulder	24.154	26.376
Nederland	072B	Second St	Boulder	32.325	33.395
Nederland	072B		Boulder	33.395	33.765
New Castle	070A	Purple Heart	Garfield	103.707	104.733
New Castle	006D	Main St	Garfield	105.482	107.432
Northglenn	128B	120th Av	Adams	13.878	13.999
Northglenn	025A		Adams	220.407	223.05
Northglenn	287C	Federal Bd	Adams	293.744	293.751
Norwood	145A		San Miguel	100.847	100.877
Norwood	145A	Grand Av	San Miguel	100.877	101.498
Nucla	097A		Montrose	3.78	4.584
Nunn	085L		Weld	287.996	291.144
Oak Creek	131B		Routt	51.393	51.483
Oak Creek	131B	Main Srreet	Routt	51.483	51.959
Olathe	050D	Business Rt.	Montrose	0.371	1.127
Olathe	348A	5th St	Montrose	16.01	16.864
Olathe	050A		Montrose	82.081	82.58
Olney Springs	096B		Crowley	94.258	94.339
Olney Springs	096B	Warner Av	Crowley	94.339	94.793
Orchard City	065A		Delta	1.699	8.503
Orchard City	092A		Delta	6.582	7.278
Ordway	071C		Crowley	26.935	27.336
Otis	061A	Dade Av	Washington	0	0.495
Otis	034B	1st St	Washington	209.047	209.815
Ouray	550B		Ouray	92.022	92.108
Ouray	550B	3rd St	Ouray	92.108	95.093
Ovid	138A	Saunders Av	Sedgwick	50.325	50.751
Ovid	138A	1st St	Sedgwick	50.751	50.778
Pagosa	160A		Archuleta	138.96	142.944

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Pagosa	160A	San Juan	Archuleta	142.944	143.324
Pagosa	160A	Pagosa St	Archuleta	143.324	144.436
Palisade	006C	8th St	Mesa	42.386	43.28
Palmer Lake	105A		El Paso	6.35	9.475
Paoli	006J	Bee St	Phillips	444.448	445.28
Paoli	006J	Denver St	Phillips	445.28	445.282
Parachute	070A	Purple Heart	Garfield	73.982	74.655
Parachute	006M	1st St	Garfield	74.731	75.393
Parker	470B	E 470	Douglas	4.373	5.75
Parker	083A		Douglas	56.857	56.861
Parker	083A	Parker Rd	Douglas	56.861	63.107
Peetz	113A		Logan	15.826	15.968
Pierce	085L		Weld	283.176	284.165
Platteville	085F	Main St	Weld	0	1.375
Platteville	066B		Weld	51.158	51.181
Platteville	066B	Justin Av	Weld	51.181	51.386
Platteville	085C		Weld	250.385	252.182
Poncha	285B		Chaffee	125.897	126.48
Poncha	285C		Chaffee	127.001	127.034
Poncha	050A		Chaffee	216.697	217.991
Poncha	050A	Rainbow Bd	Chaffee	217.991	218.009
Pritchett	160C	Railroad St	Baca	449.703	449.844
Pritchett	160C	Randolph St	Baca	449.844	450.37
Pritchett	160C	Santa Fe St	Baca	450.37	450.374
Pueblo	045A	Pueblo Bd	Pueblo	0	5.696
Pueblo	047A	University Bd	Pueblo	0	4.635
Pueblo	050C	Santa Fe	Pueblo	0	1.278
Pueblo	227A		Pueblo	0.541	0.666
Pueblo	227A	Joplin Av	Pueblo	0.92	1.851
Pueblo	050C	Business Rt.	Pueblo	1.278	2.079
Pueblo	078A		Pueblo	29.871	31.975
Pueblo	078A	Northern Av	Pueblo	31.975	33.272
Pueblo	096A		Pueblo	51.855	51.911
Pueblo	096A	Thatcher Av	Pueblo	51.911	54.08
Pueblo	096A	Lincoln Av	Pueblo	54.08	54.761
Pueblo	096A	4th St	Pueblo	54.761	58.817
Pueblo	025A	John F.	Pueblo	92.93	93
Pueblo	025A		Pueblo	93	103.526
Pueblo	050A		Pueblo	312.922	314.523
Pueblo	050B	50 Bypass	Pueblo	316.001	321.901
Ramah	024G	John A. Love	El Paso	349.907	350.153
Rangely	064A	Main St	Rio Blanco	17.883	19.282
Rangely	064A		Rio Blanco	19.282	21.851

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Rangely	139A		Rio Blanco	70.743	72.065
Raymer	014C		Weld	202.31	203.373
Red Cliff	024A	10th Mountain	Eagle	154.469	154.586
Rico	145A		Dolores	46.239	46.243
Rico	145A	Glascow Av	Dolores	46.243	47.481
Ridgway	062A		Ouray	22.161	22.221
Ridgway	062A	Main St	Ouray	22.221	23.407
Ridgway	550B		Ouray	103.39	104.632
Rifle	013A		Garfield	0	3.979
Rifle	013A	1st St.	Garfield	0.545	0.97
Rifle	013A	13 Bypass	Garfield	0.97	3.978
Rifle	070A	Purple Heart	Garfield	89.459	91.83
Rifle	006L	1st St	Garfield	90.301	90.999
Rifle	006D	1st St	Garfield	92.001	92.075
Rocky Ford	050Z	Swink Av	Otero	0	1.506
Rocky Ford	202A	2nd St	Otero	0	0.229
Rocky Ford	266A	12th St	Otero	0	0.217
Rocky Ford	266A	Thomas Av	Otero	0.217	0.353
Rocky Ford	071B	12th St	Otero	13.725	14.535
Rocky Ford	050B		Otero	368.046	369.571
Rocky Ford	050B	Elm Av.	Otero	368.188	369.238
Romeo	142A	Main St	Conejos	0.004	0.31
Saguache	114A	Gunnison Av	Saguache	61.495	61.697
Saguache	285B	8th St	Saguache	85.884	86.29
Saguache	285B	Gunnison Av	Saguache	86.29	86.737
Salida	291A	Oak St	Chaffee	0.062	0.665
Salida	291A	1st St	Chaffee	0.665	1.894
Salida	050A	Rainbow Bd	Chaffee	220.307	222.213
San Luis	159A	Main St	Costilla	17.387	18.483
San Luis	142A		Costilla	33.642	33.84
Sanford	136A		Conejos	3.394	3.48
Sanford	136A	Main St	Conejos	3.48	4.469
Sawpit	145A		San Miguel	79.891	79.898
Sawpit	145A	Wheeler St	San Miguel	79.898	80.176
Sedgwick	138A	2nd Av	Sedgwick	42.656	42.674
Sedgwick	138A	Railroad St	Sedgwick	42.768	43.254
Seibert	059A		Kit Carson	41.038	41.638
Seibert	024B		Kit Carson	422.7	422.707
Seibert	024B	2nd St	Kit Carson	422.707	423.212
Severance	014C		Weld	144.158	147.04
Sheridan	088A	Federal Bd	Arapahoe	5.692	7.134
Sheridan	085B	Santa Fe Dr	Arapahoe	205.682	206.856
Sheridan	285D	Hampden Av	Arapahoe	257.688	259.416

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Sheridan Lake	385B	Colorado Av	Kiowa	123.67	123.923
Sheridan Lake	385B	Borders St	Kiowa	123.923	124.257
Sheridan Lake	096D		Kiowa	193.311	194.329
Silt	070E	9th St	Garfield	0.002	0.173
Silt	070A	Purple Heart	Garfield	97.251	97.407
Silt	006D	Main St	Garfield	98.353	99.38
Silver Cliff	096A	Main St	Custer	0.316	4.988
Silver Plume	070A	Purple Heart	Clear Creek	225.237	226.087
Silverthorne	009D	Blue River Py	Summit	101.562	104.569
Silverthorne	070A	Purple Heart	Summit	204.96	205.748
Silverthorne	006F		Summit	208.659	208.93
Silverton	110A	Green St.	San Juan	0	0.14
Silverton	550B		San Juan	70.008	70.672
Simla	024G	Caribou St	Elbert	353.348	354.339
Simla	024G	3rd St / Main	Elbert	354.339	354.363
Snowmass	082A	Old Hwy 82	Pitkin	31.729	33.149
South Fork	149A		Rio Grande	0	2.207
South Fork	160A		Rio Grande	183.859	187.972
Springfield	287A		Baca	29.78	30.868
Steamboat	040A		Routt	128.887	129.041
Steamboat	040A	Lincoln Av	Routt	129.323	135.617
Sterling	006Z	4th St.	Logan	0	0.445
Sterling	138A	3rd St	Logan	0	1.268
Sterling	138Z	Broadway	Logan	0	0.127
Sterling	138Z	4th St	Logan	0.127	0.614
Sterling	006Z	Division St.	Logan	0.445	0.604
Sterling	061A		Logan	40.418	40.993
Sterling	076A		Logan	124.006	125.492
Sterling	014C	Main St	Logan	234.773	236.924
Sterling	006J		Logan	403.856	403.864
Sterling	006J	Division St.	Logan	403.864	404.149
Sterling	006J	3rd St.	Logan	404.149	404.644
Sterling	006J	Chestnut St.	Logan	404.644	407.097
Stratton	057A		Kit Carson	0.172	0.236
Stratton	057A	Colorado Av	Kit Carson	0.236	0.488
Stratton	024B	4th St	Kit Carson	436.803	436.999
Stratton	024C		Kit Carson	436.999	437.274
Sugar City	096C	Railroad Av	Crowley	110.298	110.916
Sugar City	096C	Colorado St	Crowley	110.916	110.984
Sugar City	096C	Adams Av	Crowley	110.984	111.323
Superior	128A		Jefferson	1.606	5.107
Superior	128A		Boulder	2.29	5.14
Superior	170A		Boulder	5.558	6.694

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Superior	170A	McCaslin Bd	Boulder	6.694	6.752
Superior	036B	Denver/Boulde	Boulder	43.264	43.497
Swink	050B		Otero	374.259	374.839
Thornton	044A	104th Av	Adams	3.489	4.958
Thornton	470B	E 470	Adams	41.574	46.393
Thornton	007D	Bridge St	Adams	68.565	72.94
Thornton	025A		Adams	218.223	227.335
Trinidad	239A		Las Animas	0	0.73
Trinidad	025A	John F.	Las Animas	11.421	17.238
Trinidad	012A		Las Animas	69.223	69.328
Trinidad	012A	Robinson Av.	Las Animas	69.328	69.812
Trinidad	012A	San Juan St.	Las Animas	69.812	69.883
Trinidad	012A	Stonewall Av.	Las Animas	69.883	70.127
Trinidad	012A	Prospect St.	Las Animas	70.127	70.24
Trinidad	012A	University St.	Las Animas	70.24	70.386
Trinidad	160C	Kit Carson Tr	Las Animas	344.612	344.792
Two Buttes	116A		Baca	12.042	12.575
Vail	070A	Purple Heart	Eagle	172.421	182.034
Victor	067C	Victor Av	Teller	45.56	45.841
Victor	067C	2nd St	Teller	45.841	45.842
Vilas	100A	A St	Baca	0.295	0.419
Vona	070P	1st Av	Kit Carson	0.405	0.516
Vona	024B	North St	Kit Carson	429.319	429.835
Walden	014B	6th St	Jackson	34.09	34.451
Walden	014B		Jackson	34.451	34.453
Walden	125A	Main St	Jackson	53.124	53.913
Walsenburg	025C	Main St	Huerfano	0	2.447
Walsenburg	025A	John F.	Huerfano	48.82	50.269
Walsenburg	160A	7th St	Huerfano	304.419	305.38
Walsenburg	160B	5th St	Huerfano	305.526	306.026
Walsh	160C	Santa Fe St	Baca	482.751	483.321
Ward	072B		Boulder	42.917	43.933
Watkins	070L		Adams	0.129	0.315
Watkins	036C	Adams St	Adams	78.702	81.653
Wellington	001A		Larimer	8.979	9.328
Wellington	001A	Cleveland Av	Larimer	9.328	9.804
Wellington	025A		Larimer	276.855	277.354
Westcliffe	096A	Main St	Custer	0	0.316
Westcliffe	069A		Custer	57.124	59.528
Westcliffe	069A	Sixth St	Custer	57.137	58.705
Westcliffe	069A	Main St	Custer	58.705	58.902
Westcliffe	069A	Third St	Custer	58.902	59.469
Westminster	095A	Sheridan Bd	Adams	11.844	13.756

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Westminster	128B	120th Av	Adams	12.199	13.878
Westminster	121A	Wadsworth Bd	Jefferson	21.678	24.453
Westminster	036B	Denver/Boulde	Broomfield	49.378	49.404
Westminster	036B	Denver/Boulde	Jefferson	49.404	52.703
Westminster	036B	Denver/Boulde	Adams	52.703	55.357
Westminster	025A		Adams	223.05	225.819
Westminster	287C	Federal Bd	Adams	288.384	294.751
Westminster	287C	120th Ave	Adams	294.751	295.071
Westminster	287C	120th Ave	Broomfield	295.071	296.087
Wheat Ridge	072A	Ward Rd	Jefferson	0	0.574
Wheat Ridge	076A		Jefferson	0.21	0.904
Wheat Ridge	058A		Jefferson	5.401	5.437
Wheat Ridge	095A	Sheridan Bd	Jefferson	7.258	14.325
Wheat Ridge	391A	Kipling St	Jefferson	7.869	9.51
Wheat Ridge	095A	Sheridan Bd	Denver	9.049	9.541
Wheat Ridge	121A	Wadsworth Bd	Jefferson	14.619	16.67
Wheat Ridge	070A	Purple Heart	Jefferson	264.332	269.998
Wiggins	039A		Morgan	0	0.011
Wiggins	052A		Morgan	72.567	72.581
Wiggins	006I	Central St	Morgan	344.274	346.303
Wiley	196B	7th St	Prowers	0	0.2
Wiley	196A	Main St	Prowers	9.572	10.067
Wiley	196A	7th St	Prowers	10.067	10.195
Wiley	196A		Prowers	10.195	10.287
Wiley	287B		Prowers	88.394	88.562
Windsor	392A	Main St	Larimer	0.132	0.285
Windsor	392A	Main St	Weld	3.211	4.455
Windsor	392B		Weld	5.413	5.795
Windsor	257A		Weld	9.583	10.595
Windsor	257A	Main St	Weld	10.595	11.58
Windsor	257A	7th St	Weld	11.58	14.54
Winter Park	040A	Zerex St	Grand	228.65	228.692
Winter Park	040A		Grand	228.692	234.011
Woodland	067D		Teller	77.001	79.809
Woodland	024A		Teller	283.733	283.999
Woodland	024A	Midland Av /	Teller	284.49	286.443
Woodland	024A	John A. Love	Teller	286.443	286.899
Wray	385D	Dexter St	Yuma	242.576	243.487
Wray	385D	Interocean Av	Yuma	243.487	245.055
Wray	034B	3rd St	Yuma	249.413	250.766
Yampa	131B		Routt	42.119	42.655
Yuma	059B	Detroit St	Yuma	105.95	107.384
Yuma	034B		Yuma	222.344	222.366

CITY	RTE	ALIAS	COUNTY	Beg MP	End MP
Yuma	034B	8th Av	Yuma	222.366	223.709

APPENDIX C

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APPENDIX D

§§ 43-1-401, et seq. CRS The Highway Beautification Act

PART 4
ROADSIDE ADVERTISING

Editor's note: This part 4 was numbered as article 18 of chapter 120 in C.R.S. 1963. The substantive provisions of this part were repealed and reenacted in 1981, causing some addition, relocation, and elimination of sections as well as subject matter. For amendments prior to 1981, consult the red book distributed with the session laws; the table located at the front of the 1993 replacement volume; the original volume of C.R.S. 1973 and annual supplements to that volume prior to 1981; the comparative table located at the back of the index; and C.R.S. 1963 and subsequent cumulative supplements thereto. Former C.R.S. section numbers for sections that were relocated as a part of the 1981 repeal and reenactment are shown in editor's notes following each section.

Cross references: For regulation of advertising on county roads, see §§ 43-2-139 and 43-2-141.

43-1-401. Short title.

This part 4 shall be known and may be cited as the "Outdoor Advertising Act".

Source: L. 81: Entire part R&RE, p. 2006, § 1, effective July 1.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. This section, as it existed in 1981, is the same as § 43-1-401 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

ANNOTATION

Law reviews. For article, "The Case for Billboard Control: Precedent and Prediction", see 36 Dicta 461 (1959). For article, "Colorado Needs a Constitutional and Effective Roadside Sign Law", see 36 Dicta 475 (1959).

Regulatory scheme for the control of outdoor advertising which imposed permit requirement and set limitations on placement of roadside signs is not violative of due process, but is reasonably related to the achievement of a legitimate state interest. Orsinger Outdoor Adv. v. State Dept. of Highways, 752 P.2d 55 (Colo. 1988).

Regulatory rule adopted under this act which distinguishes between incorporated and unincorporated areas does not violate equal protection because relevant differences are real in fact and related to legitimate state interests. Orsinger Outdoor Adv. v. State Dept. of Highways, 752 P.2d 55 (Colo. 1988).

The outdoor advertising act is, in essence, a rezoning statute, restricting the use of outdoor advertising on property adjacent to state and federal highways. State Dept. of Hwys. v. Pigg, 656 P.2d 46 (Colo. App. 1982).

This act supersedes conflicting municipal regulation of outdoor advertising signs that are along state highway system within a home-rule municipality, because regulation of such signs is a matter of mixed local and statewide concern. Nat. Advertising Co. v. State Dept. of Highways, 751 P.2d 632 (Colo. 1988).

A city's sign code was invalid to the extent it conflicted with this act where the sign code required removal or modification of nonconforming signs and contained a five-year amortization period within which to remove the nonconforming signs. Root Outdoor Advertising v. Fort Collins, 759 P.2d 59 (Colo. App. 1988).

Applied in State Dept. of Hwys. v. Davis, 626 P.2d 661 (Colo. 1981).

43-1-402. Legislative declaration.

(1) (a) It is declared to be the purpose of the general assembly in the passage of this part 4 to control the existing and future use of advertising devices in areas adjacent to the state highway system in order to protect and promote the health, safety, and welfare of the traveling public and the people of Colorado and such purposes are declared to be of statewide concern. The general assembly finds and declares that the enactment of this part 4 is necessary to further the following substantial state interests:

(I) Protection of the public investment in the state highway system;
(II) Promotion of safety upon the state highway system;
(III) Promotion of the recreational value of public travel;
(IV) Promotion of public pride and spirit both on a statewide and local basis;
(V) Preservation and enhancement of the natural and scenic beauty of this state;
(VI) Broadening the economic well-being and general welfare by attracting to this state tourists and other travelers;

(VII) Providing the traveling public with information as to necessary goods and services in the immediate vicinity of the traveler;
(VIII) Protection and encouragement of local tourist-related businesses for the general economic well-being of this state;
(IX) Insuring that Colorado receives its full share of funds to be apportioned by the congress of the United States for expenditures on federal-aid highways.

(b) In furtherance of the substantial state interests stated in paragraph (a) of this subsection (1), it is the intent of the general assembly that Colorado comply with the federal "Highway Beautification Act of 1965" and rules and regulations adopted thereunder.

(2) The general assembly further finds and declares that this part 4, taken as a whole, represents a balancing of the above-stated substantial state interests.

Source: L. 81: Entire part R&RE, p. 2006, § 1, effective July 1.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-407 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

Cross references: For the "Highway Beautification Act of 1965", see Pub.L. 89-285, codified at 23 U.S.C. sec. 131 et seq.

ANNOTATION

Scope of act not limited to commercial advertising. Both legislative declaration and included definitions demonstrate that outdoor advertising act was intended to provide for the regulation of more than just commercial advertising. Pigg v. State Dept. of Highways, 746 P.2d 961 (Colo. 1987).

Advertising restriction not admissible in condemnation proceeding relative to value of remaining property. Evidence regarding advertising restriction by zoning ordinance is not admissible as one factor establishing the diminished market value of a landowner's remaining property in a condemnation proceeding. State Dept. of Hwys. v. Davis, 626 P.2d 661 (Colo. 1981) (decided under prior law).

43-1-403. Definitions.

As used in this part 4, unless the context otherwise requires:

(1) "Advertising device" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising and having the capacity of being visible from the travel way of any state highway, except any advertising device on a vehicle using the highway. The term "vehicle using the highway" does not include any vehicle parked near said highway for advertising purposes.

(1.5) (a) "Comprehensive development" means a group of two or more lots or parcels of land used primarily for multiple separate commercial or industrial activities that:

(I) Is located entirely on one side of a highway;
(II) Consists of lots or parcels that are contiguous except for public or private roadways or driveways that provide access to the development;

(III) Has been approved by the relevant local government as a development with a common identity and plan for public and private improvements;
(IV) Has common areas such as parking, amenities, and landscaping; and
(V) Has an approved plan of common ownership in which the owners have recorded irrevocable rights to use common areas and that provides for the management and maintenance of common areas.

(b) "Comprehensive development" includes all land used or to be used or occupied for the activities of the development, including buildings, parking, storage and service areas, streets, driveways, and reasonably necessary landscaped areas. A comprehensive development includes only land that is used for a purpose reasonably related to the activities of the development other than an attempt to qualify the land for on-premise advertising.

(2) "Defined area" means a geographically described economic area in which tourist-related businesses are located, which area would suffer substantial economic hardship by the removal of any tourist-related advertising device in that area providing directional information about goods and services in the interest of the traveling public.

(3) "Department" means the department of transportation.

(4) "Directional advertising device" includes, but is not limited to: Advertising devices containing directional information to facilitate emergency vehicle access to remote locations or about public places owned or operated by federal, state, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public. Such devices shall conform to standards promulgated by the department pursuant to section 43-1-415, which standards shall conform to the national policy.

(5) "Erect" means to construct or allow to be constructed.

(6) "Highway" means any road on the state highway system, as defined in section 43-2-101 (1).

(7) "Informational site" means an area established and maintained within a highway rest area wherein panels for the display of advertising and informational plaques may be erected and maintained so as not to be visible from the travel way of any state highway.

(8) "Interstate system" means the system of highways as defined in section 43-2-101 (2).

(9) "Maintain" means to preserve, keep in repair, continue, or replace an advertising device.

(10) "Municipality" has the same meaning as defined in section 31-1-101 (6), C.R.S.

(11) "National policy" means the provisions relating to control of advertising, signs, displays, and devices adjacent to the interstate system contained in 23 U.S.C. sec. 131 and the national standards or regulations promulgated pursuant to such provisions.

(12) "Nonconforming advertising device" means any advertising device that was *lawfully* erected under state law and has been lawfully maintained in accordance with

the provisions of this part 4 or prior state law, except those advertising devices allowed by section 43-1-404(1).

(13) "Official advertising device" means any advertising device erected for a public purpose authorized by law, but the term shall not include devices advertising any private business.

(14) "On-premise advertising device" means:

(a) An advertising device advertising the sale or lease of the property on which it is located or advertising activities conducted on the property on which it is located; or

(b) An advertising device located within a comprehensive development that advertises any activity conducted in the comprehensive development, so long as the placement of the advertising device does not cause a reduction of federal aid highway moneys pursuant to 23 U.S.C. sec. 131.

(15) "Person" means any individual, corporation, partnership, association, or organized group of persons, whether incorporated or not, and any government, governmental subdivision, or agency thereof.

(16) "Tourist-related advertising device" means any legally erected and maintained advertising device which was in existence on May 5,1976, and which provides directional information about goods and services in the interest of the traveling public limited to the following: Lodging, campsite, food service, recreational facility, tourist attraction, educational or historical site or feature, scenic attraction, gasoline station, or garage.

(17) "Visible" means capable of being seen, whether or not legible, without visual aid by a person of normal acuity.

(18) "Would work or suffer a substantial economic hardship" means tending to cause or causing a significant negative economic effect, such as a loss of business income, an increase in unemployment, a reduction in sales taxes or other revenue to the state or other governmental entity, a reduction in real estate taxes to the county, and other significant negative economic factors.

Source: L. 81: Entire part R&RE, p. 2007, § 1, effective July 1. L 91: (3) amended, p. 1096, § 117, effective July 1. L 96: (4) amended, p. 776, § 1, effective May 23. L. 2006: (1.5) added and (14) amended, p. 78, § 1, effective August 7. L. 2008: (12) amended, p. 256, § 1, effective August 5.

Editor's note: (1) This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-402 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

(2) Subsection (12) was contained in a 2008 act that was passed without a safety clause. For further explanation concerning the effective date, see page ix of this volume.

ANNOTATION

Scope of act not limited to commercial advertising. Both legislative declaration and included definitions demonstrate that outdoor advertising act was intended to provide for the regulation of more than just commercial advertising. Pigg v. State Dept. of Highways, 746 P.2d 961 (Colo. 1987).

Applied in State Dept. of Hwys. v. Pigg, 656 P.2d 46 (Colo. App. 1982).

43-1-404. Advertising devices allowed - exception.

(1) The following advertising devices as defined in section 43-1-403 may be erected and maintained when in compliance with all provisions of this part 4 and the rules and regulations adopted by the department:

(a) Official advertising devices;
(b) On-premise advertising devices;
(c) Directional advertising devices;
(d) Advertising devices located in areas which were zoned for industrial or commercial uses under authority of state law prior to January 1, 1970;
(e) (I) Advertising devices located along primary and secondary highways in areas which were zoned for industrial or commercial uses under authority of state law on and after January 1, 1970, provided:

(A) The advertising device shall be no larger than one hundred fifty square feet; and

(B) The advertising device shall be located within one thousand feet of an industrial or commercial building in place; and

(C) The advertising device shall only inform the traveling public of necessary goods or services available within a five-mile radius of the advertising device; necessary goods and services shall be limited to lodging, camping, food, gas, vehicle repair, health-related goods or services, recreational facilities or services, and places of cultural importance; and

(D) No person providing necessary goods or services shall be eligible for more than two advertising devices pursuant to this paragraph (e); and

(E) The advertising device shall predominately display the name and location of the necessary goods or services advertised.

(II) In enacting the provisions of this paragraph (e), the general assembly declares each and *every* provision is necessary and not severable in order to further the substantial

state interests contained in section 43-1-402. It is not the intent of the general assembly to allow advertising devices in areas zoned for industrial or commercial uses on or after January 1,1970, unless each and every provision contained in this paragraph (e) is satisfied.

(III) The department shall consult with the state council on the arts and the state historical society to determine places of cultural importance which are eligible to erect advertising devices pursuant to sub-subparagraph (C) of subparagraph (I) of this paragraph (e). It is the intent of the general assembly that no state moneys nor any federal funds be used to erect such advertising devices.

(f) (I) Notwithstanding any other provision of law, with the exception of section 43-1-416, any advertising device, except for a nonconforming advertising device, may contain a message center display with movable parts and a changeable message that is changed by electronic processes or by remote control. The illumination of an advertising device containing a message center display is not the use of a flashing, intermittent, or moving light for the purposes of any rule, regulation, and standard promulgated by the department or any agreement between the department and the secretary of transportation of the United States. No message center display may include any illumination that is in motion or appears to be in motion, that changes in intensity or exposes its message for less than four seconds, or that has an interval between messages of less than one second. No advertising device with a message center display may be placed within one thousand feet of another advertising device with a message center display on the same side of a highway. No message center display may be placed in violation of section 131 of title 23 of the United States code.

(II) Subparagraph (I) of this paragraph (f) shall not apply if the department receives written notification from the applicable federal authority that the proposed advertising device with a message center display will directly cause the repayment or denial of federal moneys that would otherwise be available or would otherwise be inconsistent with federal law, but only to the extent necessary to prevent the repayment or denial of the moneys or to eliminate the inconsistency with federal law.

(2) Nonconforming advertising devices in compliance with this part 4 and the rules and regulations adopted by the department pursuant to this part 4 may be maintained.

(3) Nothing in this section shall be construed to allow advertising devices which are prohibited in bonus areas adjacent to the interstate system as provided for in section 43-1-406.

(4) Notwithstanding paragraphs (d) and (e) of subsection (1) of this section, any advertising device which is more than six hundred sixty feet off the nearest edge of the right-of-way, located outside urban areas as such areas are defined in 23 U.S.C. sec. 101, and which is visible from the roadway of the state highway system and erected with the purpose of its message being read from such roadway is prohibited. Advertising devices beyond six hundred sixty feet of the right-of-way which were lawfully erected

under state law prior to January 4, 1975, shall be compensated for and removed pursuant to this part 4.

(5) (a) Notwithstanding any other provision of law, except for section 43-1-416, as an alternative to removing any advertising device that is otherwise permitted by this part 4 or acquiring all real and personal property rights pertaining to the device, the department may permit the advertising device to be remodeled and relocated on the same property in a commercial or industrial zoned area, or on another area where the device would otherwise be permitted under this article.

(b) Paragraph (a) of this subsection (5) shall not apply if the department receives written notification from the applicable federal authority that the proposed advertising device to be remodeled and relocated will directly cause the repayment or denial of federal moneys that would otherwise be available or would otherwise be inconsistent with federal law, but only to the extent necessary to prevent the repayment or denial of the moneys or to eliminate the inconsistency with federal law.

Source: L. 81: Entire part R&RE, p. 2008, § 1, effective July 1. L. 83: (1)(e)(I)(C) amended and (1)(e)(III) added, p. 1662, § 1, effective June 10. L 92: (1)(e)(III) amended, p. 563, § 8, effective March 25. L. 2002: (1)(f) and (5) added, pp. 543, 544, §§1,2, effective August 7. L. 2006: (1)(b) amended, p. 79, § 2, effective August 7.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-408 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

ANNOTATION

This section is not unconstitutionally vague. Alpert Corp. v. State Dept. of Hwys., 199 Colo. 4, 603 P.2d 944 (1979) (decided under prior law).

The supreme court has long sustained exercises of the police power of the states for regulation and prohibition of various forms of outdoor commercial advertising. Howard v. State Dept. of Hwys., 478 F.2d 581 (10th Cir. 1973) (decided under prior law).

Attack on validity of this part presented no substantial federal question. Attack on the validity of this part on constitutional and antitrust grounds presented no substantial federal question as to its validity, as similar acts in various states had been upheld against similar challenges. Howard v. State Dept. of Hwys., 478 F.2d 581 (10th Cir. 1973) (decided under prior law).

Exception for signs located in areas zoned commercial or industrial must be read as applying to those commercial or industrial areas adjacent to state highways other than interstate highways, and therefore does not deny the department the authority to *regulate. Nat* Advertising Co. v. State Dept. of Highways, 718 P.2d 1038 (Colo. 1986).

Rule-making authority under this act was lawfully delegated, as legislative standards for rule-making are sufficient to insure exercise in a rational and consistent manner. Orsinger Outdoor Adv. v. State Dept. of Highways, 752 P.2d 55 (Colo. 1988).

Spacing regulations promulgated under this section did not exceed rule-making authority of the department of highways. Orsinger Outdoor Adv. v. State Dept. of Highways, 752 P.2d 55 (Colo. 1988).

Department of highways did not adopt unduly expansive interpretation of its own regulation in measuring the distance from highway to signs. Agency's construction of its own regulation is entitled to great weight, especially when promulgated pursuant to an explicit grant of authority and neither plainly erroneous nor internally inconsistent. Orsinger Outdoor Adv. v. State Dept. of Highways, 752 P.2d 55 (Colo. 1988).

Application of "on-premises" exemption to noncommercial advertising does not exceed rule-making authority. Legislature has left specification of criteria for "on-premises" advertising to the highway department and inclusion of non-commercial advertising within the "on-premises" exemption precludes any constitutional violation that would result from a total ban on non-commercial advertising. Pigg v. State Dept. of Highways, 746 P.2d 961 (Colo. 1987).

43-1-405. Informational sites authorized.

(1) (a) The department may erect, administer, and maintain informational sites for the display of advertising and information of interest to the traveling public, provided the lease fees are sufficient to pay the costs of erecting, administering, and maintaining the sites.

(b) The department may issue leases for plaques in informational sites.

(c) Leases shall be issued for a period of one year, beginning each January 1, without proration for periods less than a year. Each application for an initial lease or for a renewal of an existing lease shall be accompanied by a fee determined by the department, not to exceed one hundred dollars.

(2) The department may enter into agreements with any governmental entity to lease land in rest areas for the construction, maintenance, and administration of informational sites.

Source: L. 81: Entire part R&RE, p. 2009, § 1, effective July 1

43-1-406. Bonus areas.

(1) No person shall erect or maintain or allow to be erected or maintained any advertising device within bonus areas.

(2) As used in this section:

(a) "Acquired for right-of-way" means acquired for right-of-way for any public road by the state, a county, a city, or any other political subdivision of the state by donation, dedication, purchase, condemnation, use, or any other means. The date of acquisition shall be the date upon which title, whether fee title or a lesser interest, vested in the public for right-of-way purposes under applicable state law.

(b) "Bonus areas" means any portion of the area within six hundred sixty feet of the nearest edge of the right-of-way of any portion of the federal interstate system of highways which is constructed upon any part of right-of-way, the entire width of which is acquired for right-of-way after July 1,1956. A portion shall be deemed so constructed if, within such portion, no line normal or perpendicular to the center line of the highway and extending to both edges of the right-of-way will intersect any right-of-way acquired for right-of-way on or before July 1,1956. Bonus areas do not include:

(I) Kerr areas, which are segments of the interstate system which traverse commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21,1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control, or which traverse other areas where the use of land as of September 21,1959, was clearly established by state law as industrial or commercial. Signs in Kerr areas are subject to size, lighting, and spacing requirements.

(II) Cotton areas, which are areas adjacent to the interstate system where any part of the highway right-of-way was acquired prior to July 1,1956. Signs in Cotton areas are prohibited unless such areas are zoned commercial or industrial. Signs in Cotton areas are subject to size, lighting, and spacing requirements.

(c) "Center line of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided interstate highway or the center line of the main-traveled way of a nondivided interstate highway.

(3) A map illustrating the bonus areas shall be maintained for public inspection at reasonable hours in the offices of the department.

(4) The department may remove all advertising devices within bonus areas and may acquire with state funds all real and personal property rights pertaining to advertising devices by gift, purchase, agreement, exchange, or eminent domain. Just compensation shall be paid to the owner of the advertising device for the taking of all right, title, leasehold, and interest in the advertising device and to the owner of the real property on which the advertising device is located for the taking of the right to erect and maintain the device if the advertising device was lawfully erected.

(5) The following shall be exempt from the provisions of this section but shall in all respects comply with applicable rules and regulations issued by the department:

(a) On-premise advertising devices;
(b) Advertising devices located in a Kerr area;
(c) Advertising devices located in a Cotton area;
(d) Directional or official advertising devices.

Source: L. 81: Entire part R&RE, p. 2010, § 1, effective July 1. L. 2006: (5)(a) amended, p. 79, § 3, effective August 7.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-413 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

ANNOTATION

Applied in State Dept. of Hwys. v. Pigg, 653 P.2d 67 (Colo. App. 1982).

43-1-407. Permits.

(1) A permit from the department shall be required for the erection or maintenance of the following advertising devices:

(a) Each nonconforming advertising device as defined in section 43-1-403 (12);

(b) Each directional advertising device as defined in section 43-1-403 (4), except that the following advertising devices shall not require permits:

(I) Advertising devices which are no larger than eight square feet and which advertise farms, ranches, or nonprofit educational, veterans', religious, charitable, or civic organizations; or

(II) Directory signs no larger than thirty-two square feet, the sole purpose of which is to provide direction to individual farms or ranches by way of individual signs, each of which is no larger than eight square feet.

(c) Each advertising device allowed pursuant to section 43-1-404 (1) (d) and (1) (e). Renewals of such permits are subject to the provisions of section 43-1-409.

(2) (a) (I) Any other provision of law notwithstanding, the department shall issue a permit to erect or maintain an advertising device on a bus bench or bus shelter located either within the right-of-way of any state highway or on land adjacent to or visible from the right-of-way of any state highway if the local governing body having authority over the state highway pursuant to section 43-2-135 has approved such advertising device. The state shall accept the local permit as a state approved permit if the approval procedure of the local governing body included a determination that the advertising

device does not restrict pedestrian traffic and is not a safety hazard to the motoring public.

(II) Except for safety requirements for bus benches or bus shelters located within the right-of-way of any state highway, the department shall not impose any additional requirements or more strict requirements in connection with permits for advertising devices on a bus bench or bus shelter than those imposed by the local governing body unless specifically required by federal law.

(III) The department shall implement this subsection (2) with the purpose of promoting the use of bus transportation.

(b) This subsection (2) shall not apply if the department receives written notification from the applicable federal authority that compliance with this subsection (2) will directly cause denial of federal moneys that would otherwise be available or would otherwise be inconsistent with federal law, but only to the extent necessary to prevent denial of the moneys or to eliminate the inconsistency with federal law.

Source: L. 81: Entire part R&RE, p. 2011, § 1, effective July 1. L. 92: (1)(b) amended, p. 1342, § 1, effective July 1. L. 96: (2) amended, p. 776, § 2, effective May 23. L. 2001: (2) amended, p. 410, § 1, effective April 19.

ANNOTATION

Issuance of a county permit does not justify plaintiffs conclusion that its sign will comply with state requirements. Nat. Advertising Co. v. State Dept. of Highways, 718 P.2d 1038 (Colo. 1986).

The department of highways is not estopped from enforcing this act against sign erected by plaintiff. Nat. Advertising Co. v. State Dept. of Highways, 751 P.2d 632 (Colo. 1988).

43-1-408. Application for permit -contents.

(1) Application for a permit for each advertising device shall be made on a form provided by the department, shall be signed by the applicant or his duly authorized officer or agent, and shall show:

(a) The name and address of the owner of the advertising device;
(b) The type, location, and dimensions of the advertising device, and such other pertinent information as may be prescribed;
(c) The name and address of the lessor of property upon which the device has been or will be located and a copy of the lease agreement or letter of consent;
(d) The year in which the advertising device was erected;
(e) An agreement by the applicant to erect and maintain the advertising device in a safe, sound, and good condition;

(f) (I) For all devices erected on or after July 1, 1981, certification from the local zoning administrator or authority that the advertising device conforms to local zoning requirements or a copy of a local government permit for the device;

(II) For devices erected prior to July 1,1981, an affidavit from the sign owner that the advertising device was lawfully erected under local law.

Source: L 81: Entire part R&RE, p. 2011, § 1, effective July 1.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-414 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

ANNOTATION

Am. Jur.2d. See 3 Am. Jur.2d, Advertising, §§ 12,13.

Applicant for a permit under this act bears burden of establishing by a preponderance of the evidence that all conditions for the permit have been satisfied. Orsinger Outdoor Adv. v. State Dept. of Highways, 752 P.2d 55 (Colo. 1988).

43-1-409. Permit term - renewal - fees.

(1) (a) Applications for renewal of permits shall be made before June 1 of each year and shall be issued for a one-year period beginning July 1 and ending June 30. Permits shall be issued without proration for periods of less than one year. If the sign authorized by a permit is not erected within one year from the date the permit was issued, then the permit is void as of one year from the date it was issued.

(b) Each application for a permit or renewal of a permit shall be accompanied by a permit fee for each advertising device, in accordance with the following schedule:

Sign size 100 square feet of face area or less	$10.00
Sign size 101 square feet of face area to 250 square feet of face area	$20.00
Sign size 251 square feet of face area to 600 square feet of face area	$40.00
Sign size 601 square feet of face area or more	$75.00

(2) No permit renewals from the department shall be required for any advertising device erected in an area zoned for industrial or commercial use where the local zoning authority has entered into an agreement of certification with the department and where the local zoning authority has enacted rules, regulations, or ordinances concerning the control of advertising devices in industrial or commercial areas that are at least as restrictive as this part 4 and the rules and regulations promulgated under this part 4 as to size, lighting, spacing, use, and maintenance. As used in this subsection (2), an "agreement of certification" means the local zoning authority agrees to: Enforce its

rules, regulations, or ordinances concerning outdoor advertising devices or billboards; require a permit be obtained from the department before any new device is erected within the certification area; require a new permit be obtained from the department before any material change is made to a device in existence at the time of certification; tender to the department semiannually inspection records and records of actions taken on violations. If the department determines after public hearing that the local zoning authority has failed to comply with its agreement of certification, the department may rescind the agreement of certification by serving a written decision on the local zoning authority by certified mail. The decision of the department shall constitute final agency action. Upon rescission the department shall require all permit holders to renew their permits unless the device is otherwise in violation of this part 4 in which case the department shall proceed pursuant to section 43-1-412.

(3) Renewal applications may be made by reference to the identifying number of the permit being renewed only, in the absence of material change in the information shown by the original application.

(4) The name of the owner of the advertising device for which a permit has been issued and the identifying permit number assigned by the department shall be placed in a conspicuous place on each advertising device structure within thirty days after the date of issuance of the permit.

(5) The permit holder shall, during the term thereof, have the right to change the advertising copy, ornamentation, or trim on the structure or sign for which it was issued without payment of any additional fee. The permit holder shall also have the right and obligation to repair, replace, and maintain in good condition any damaged advertising device structure, however caused, if the right to maintain any nonconforming advertising device has not been terminated pursuant to section 43-1-413.

(6) (Deleted by amendment, L 92, p. 1342, § 2, effective July 1, 1992.)

(7) Any permit holder or new owner shall, within sixty days of purchasing, selling, or otherwise transferring ownership in any advertising device for which a permit is required by this part 4, send a written notice of such fact to the department and shall include in such notice the name and address of the purchaser or transferee and its permit number.

Source: L. 81: Entire part R&RE, p. 2012, § 1, effective July 1. L. 92: (1)(a) and (6) amended, p. 1342, § 2, effective July 1.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-415 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

ANNOTATION

Applied in State Dept. of Hwys. v. Pigg, 653 P.2d 67 (Colo. App. 1982).

43-1-410. Denial or revocation of permit or renewal

A permit under this part 4 may be denied or revoked, or a renewal denied, for false or misleading information given in the application for such permit or renewal or for the erection or maintenance of an advertising device in violation of the provisions of this part 4 or in violation of the rules and regulations of the department promulgated to enforce and administer this part 4.

Source: L. 81: Entire part R&RE, p. 2013, § 1, effective July 1.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. This section, as it existed in 1981, is the same as § 43-1-416 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

43-1 -411. Issuance of permits prohibited - when.

(1) No permit shall be issued for the erection, use, or maintenance of any advertising device which is or would be:

(a) At a point where it would encroach upon the right-of-way of a public highway without written approval of the department;

(b) Along the highway within five hundred feet of the center point of an intersection of such highway at grade with another highway or with a railroad in such manner as materially to obstruct or reduce the existing view of traffic on the other highway or railroad trains approaching the intersection and within five hundred feet of such center point;

(c) Along a highway at any point where it would reduce the existing view of traffic in either direction or of traffic control or official highway signs to less than five hundred feet;

(d) Designed, used, or intended to be designed or used to include more than two advertising panels on an advertising device facing in the same direction.

(2) On or after July 1,1981, no permit shall be issued for any advertising device which required a permit under state law prior to July 1,1981, and for which no permit was obtained.

(3) No permit shall be issued for any advertising device which simulates any official, directional, or warning sign erected or maintained by the United States, this state, or any county or municipality or which involves light simulating or resembling traffic signals or traffic control signs.

(4) No permit shall be issued for any advertising device nailed, tacked, posted, or attached in any manner on trees, perennial plants, rocks, or other natural objects or on fences or fence posts or poles maintained by public utilities.

(5) No permit shall be issued nor any renewal issued for any advertising device which becomes decayed, insecure, or in danger of falling or otherwise is unsafe or unsightly by reason of lack of maintenance or repair, or from any other cause.

(6) No permit shall be issued for any advertising device which does not conform to size, lighting, and spacing standards as prescribed by rules and regulations adopted by the department, where such rules and regulations were adopted prior to the erection of said device.

Source: L 81: Entire part R&RE, p. 2013, § 1, effective July 1. L. 2001: (1)(d) amended, p. 411, § 2, effective April 19.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. This section, as it existed in 1981, is the same as § 43-1-418 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

ANNOTATION

Subsection (6) of this section is no more restrictive than the prohibition contained in prior regulations under the old act, and therefore the prohibition is not unconstitutionally retrospective with respect to removal of a noncomplying sign under both the old and new acts. Nat. Advertising Co. v. Dept. of Highways, 718 P.2d 1038 (Colo. 1986).

43-1-412. Notice of noncompliance - removal authorized.

(1) Any outdoor advertising device which does not comply with this part 4 and the rules and regulations issued by the department shall be subject to removal as provided in this section.

(2) (a) If no permit has been obtained for the advertising device as required by this part 4, the department shall give written notice by certified mail to the owner of the property on which the advertising device is located informing said landowner that the device is illegal and requiring him within sixty days of receipt of the notice to remove the device or have a permit obtained if such permit may be issued and advising him of the right to request the department to conduct a hearing.

(b) If no application for renewal of a permit is received by the department as required by this part 4, the department shall give written notice by certified mail to the *permittee* requiring him within sixty days of receipt of the notice to apply for a renewal permit and pay an additional late fee of fifty dollars or remove the advertising device and advising him of the right to request the department to conduct a hearing.

(c) If the department determines that an application for renewal permit should be denied or that an existing permit should be revoked, the department shall give written notice by certified mail to the applicant or permittee specifying in what respect he has failed to comply with the requirements of this part 4 and requiring him within sixty days of receipt of the notice to remove the device or correct the violation if correction is permissible pursuant to this part 4 and advising him of the right to request the department to conduct a hearing.

(3) A request for a hearing shall be made in writing and must be received by the department no later than sixty days after receipt of notice. Such hearings shall be held pursuant to the "State Administrative Procedure Act".

(4) After the sixty-day notice period has expired, the department is authorized to make a determination with or without hearing that the device is or is not in compliance with this part 4. If the department determines the device is not in compliance with this part 4 and the rules and regulations promulgated under this part 4, it shall issue an order setting forth the provisions violated, the facts alleged to constitute the violation, and the time by which the device must be removed at the party's expense. The order shall be served upon the party by certified mail.

(5) If the party does not remove the device as ordered, the department is authorized to remove the device forthwith. If the landowner does not consent to entry upon the land by the department to remove the device and no party has sought judicial review pursuant to the "State Administrative Procedure Act", the department may apply to a court of competent jurisdiction for an order allowing the department to enter upon the land for the purpose of removing the device forthwith. The court shall issue such order upon proof the device has not been removed and judicial review has not been sought.

(6) Upon removal of an advertising device pursuant to this section, neither the owner of the property upon which the advertising device was erected nor the department shall be liable in damages to anyone who claims to be the owner of the advertising device who has not obtained a permit. The department shall not be responsible for damages otherwise created by the removal of said advertising device or for its destruction subsequent to removal.

Source: L. 81: Entire part R&RE, p. 2014, § 1, effective July 1.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-417 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

Cross references: For the "State Administrative Procedure Act", see article 4 of title 24.

ANNOTATION

Am. Jur.2d. See 3 Am. Jur.2d, Advertising, § 6.

No sanctions for failure to renew permit, prior to 1981 repeal and reenactment. Prior to its repeal and reenactment in 1981, the outdoor advertising act did not impose any sanctions for failure to apply for renewal of a permit. State Dept. of Hwys. v. Pizza, 653 P.2d 69 (Colo. App. 1982).

43-1-413. Nonconforming advertising devices.

(1) A nonconforming advertising device may be continued to be maintained at the same location at which the nonconforming advertising device was lawfully erected.

(2) The right to maintain any nonconforming advertising device shall be terminated by:

(a) Abandonment of the nonconforming advertising device;
(b) Increase of any dimension of the nonconforming advertising device;
(c) Change of any aspect of or in the character of the nonconforming device;
(d) Failure to comply with the provisions of this part 4, concerning permits for the maintenance of advertising devices;
(e) Damage to or destruction of the nonconforming advertising device from any cause whatsoever, except willful destruction, where the cost of repairing the damage or destruction exceeds fifty percent of the cost of such device on the date of damage or destruction, as determined by the department-approved schedule of compensation;
(f) Obsolescence of the nonconforming advertising device where the cost of repairing the device exceeds fifty percent of the replacement cost of such device on the date that the department determines said device is obsolete.

(3) Reasonable and customary repair and maintenance of the device, including a change of advertising message or design, is not a change that would violate subsection (2) of this section. However, such message or design change shall not be compensable under section 43-1-414.

(4) If the right to maintain any nonconforming advertising device is terminated under this section, the advertising device shall become illegal and shall be removed pursuant to section 43-1-412.

Source: L. 81: Entire part R&RE, p. 2015, § 1, effective July 1. L. 2008: (1) and (2)(b) amended, p. 256, § 2, effective August 5.

Editor's note: (1) This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-422 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

(2) Subsections (1) and (2)(b) were contained in a 2008 act that was passed without a safety clause. For further explanation concerning the effective date, see page ix of this volume.

ANNOTATION

Department did not abuse its authority by providing that a billboard is deemed abandoned if the billboard has been blank or has displayed obsolete advertising materials for six months. Lack of any intent requirement in the regulation does not cause the regulation to be more strict than the federal Outdoor Advertising Act. Nat'l Advertising Co. v. Dept. of Transp., 932 P.2d 871 (Colo. App. 1997).

Applied in State Dept. of Hwys. v. Pigg, 653 P.2d 67 (Colo. App. 1982).

43-1-414. Removal of nonconforming devices.

(1) The department may remove any nonconforming advertising device and may acquire all real and personal property rights pertaining to the nonconforming advertising device by gift, purchase, agreement, exchange, or eminent domain. All proceedings in eminent domain shall be conducted as may be provided by law. The department may adopt appraisal concepts and acquisition procedures which are appropriate to the evaluation and removal of nonconforming advertising devices.

(2) Just compensation shall be paid for each lawfully permitted nonconforming advertising device. Where the nonconforming advertising device has been modified with approval of the department, just compensation shall be determined as if no changes had been made, unless the changes shall have resulted in a decrease in value. Just compensation shall be paid for the taking, from the owner of such advertising device, of all right, title, leasehold, and interest in such advertising device and for the taking from the owner of real property on which such advertising device is located and of the right to maintain such advertising device.

(3) No advertising device shall be required to be removed until the federal share of the compensation required to be paid upon acquisition of such device becomes available to the state. Nothing in this subsection (3) shall be construed to prevent the department from acquiring any advertising device when the federal share of the compensation required to be paid for such device becomes available to the state, and no state funds shall be used to pay just compensation for any advertising device located along a secondary highway in this state until the federal share of such compensation becomes available to the state.

(4) The department shall promulgate reasonable rules and regulations governing acquisition procedures for the advertising devices, appraisal of advertising devices, and the administration and enforcement of this section. Rules for the appraisal of advertising devices shall take into account normal depreciation.

(5) Tourist-related advertising devices which comply with the rules and regulations adopted by the department may be exempted from removal under the following conditions:

(a) Upon receipt of a declaration, resolution, certified copy of an ordinance, or other clear direction from a state agency, board of county commissioners, city and county, municipality, or other governmental agency, which includes or has attached, on forms provided by the department, an analysis of negative economic impacts provided by such entity and which follows the criteria and method of economic analysis established by the department that removal of tourist-related advertising devices in a defined area would work a substantial economic hardship on that defined area, the department shall review the entity's economic analysis and such defined area. If the department finds that the entity has used the method of economic analysis as prescribed and the entity has determined that the defined area would suffer substantial economic hardship by such removal and that the declaration complies with all applicable rules and regulations, the department shall forward such declaration, resolution, or document and economic analysis with its recommendations to the United States secretary of transportation pursuant to 23 U.S.C. sec. 131(o). Any such declaration, resolution, or document submitted to the department shall further find that such tourist-related advertising devices provide directional information about goods and services in the interest of the traveling public and request the retention by the state in such defined areas of such tourist-related advertising devices.

(b) Each exempted tourist-related advertising device must comply with requirements of the department concerning the directional contents of the device.

(c) The department will review and evaluate each defined area at least every three years to determine if each exemption continues to be warranted.

(6) The provisions of this section shall not be construed to affect the application of any of the provisions of this part 4 to any advertising device until such date as the advertising device is required to be removed under this section. This section is enacted to comply with the requirements of the federal "Highway Beautification Act of 1965".

Source: L. 81: Entire part R&RE, p. 2015, § 1, effective July 1.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-423 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

Cross references: For the federal "Highway Beautification Act of 1965", see Pub.L. 89-285, codified at 23 U.S.C. sec. 131 et seq.

ANNOTATION

Exempting from removal certain tourist-related signs is constitutionally permissible. Because the tourist-related sign exemption is tailored narrowly to further an important interest of the state, that exception does not unconstitutionally discriminate in favor of

tourist-related advertising devices. Pigg v. State Dept. of Hwys., 746 P.2d 961 (Colo. 1987).

Cities not preempted or bound in regulation of signs. The federal highway beautification act and the Colorado highway sign act have not preempted cities in the regulation of signs nor do they bind the cities by example or standard. Art Neon Co. v. City & County of Denver, 488 F.2d 118 (10th Cir. 1973), cert, denied, 417 U.S. 932, 94 S. Ct. 2644, 41 L. Ed.2d 236 (1974) (decided under prior law).

Restriction of signs is under police power of city. Restricting outdoor advertising as nonconforming uses was an integral part of a valid overall zoning plan to accomplish its legitimate purposes. Therefore, the restriction is under the police power of the city instead of the eminent domain power. Art Neon Co. v. City & County of Denver, 488 F.2d 118 (10th Cir. 1973), cert, denied, 417 U.S. 932, 94 S. Ct. 2644, 41 L. Ed.2d 236 (1974) (decided under prior law).

Denial of right to erect new advertising devices does not require compensation. Valid restrictions imposed on the use of property, such as the denial of a right to erect new advertising devices, do not require compensation. State Dept. of Hwys. v. Pigg, 656 P.2d 46 (Colo. App. 1982).

A city may use municipal funds to compensate an owner for the removal of signs prior to the availability of the federal share of such compensation. Fort Collins v. Root Outdoor Advertising, 788 P.2d 149 (Colo. 1990).

43-1-415. Administration and enforcement - authority for agreements.

(1) The department shall administer and enforce the provisions of this part 4 and shall promulgate and enforce rules, regulations, and standards necessary to carry out the provisions of this part 4 including, but not limited to:

(a) Regulations necessary to qualify the state for payments made available by congress to those states that meet federal standards of roadside advertising control;

(b) Regulations relating to the maintenance of nonconforming advertising devices;

(c) Regulations to control the erection and maintenance on all state highways of official advertising devices, directional advertising devices, on-premise advertising devices, and advertising devices located in areas zoned for industrial or commercial uses;

(d) Regulations governing the removal and acquisition of nonconforming advertising devices;

(e) Regulations necessary to permit the exemption of tourist-related advertising devices by the secretary of transportation under 23 U.S.C. sec. 131(o);

(f) Regulations governing specific information signs under section 43-1-420.

(2) Nothing in this part 4 shall be construed to permit advertising devices to be erected or maintained which would disqualify the state for payments made available to those states which meet federal standards of roadside advertising control.

(3) The department may enter into agreements with the secretary of transportation of the United States to carry out the national policy concerning outdoor advertising adjacent to the interstate system and federal-aid primary highways and to accept any allotment of funds by the United States, or any department or agency thereof, appropriated in furtherance of federal-aid highway legislation.

(4) The rules and regulations of the department shall not impose any additional requirements or more strict requirements than those imposed by this part 4.

Source: L 81: Entire part R&RE, p. 2017, § 1, effective July 1. L 92: (4) added, p. 1343, §3, effective July 1.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-410 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

Cross references: For promulgation of rules and regulations, see article 4 of title 24.

ANNOTATION

Department did not abuse its authority by providing that a billboard is deemed abandoned if the billboard has been blank or has displayed obsolete advertising materials for six months. Lack of any intent requirement in the regulation does not cause the regulation to be more strict than the federal Outdoor Advertising Act. Nat'l Advertising Co. v. Dept. of Transp., 932 P.2d 871 (Colo. App. 1997).

43-1 -416. Local control of outdoor advertising devices:

Nothing in this part 4 shall be construed to prevent use of zoning powers and establishment of stricter limitations or controls on advertising devices by any municipality or county within its boundaries so long as such limitations or controls do not jeopardize the receipt by the state of its full share of federal highway funds.

Source: L 81: Entire part R&RE, p. 2017, § 1, effective July 1.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-405 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

ANNOTATION

City sign code preempted by this section. City ordinance which required the removal of signs after a period of amortization, but which did not provide for the payment of compensation, jeopardized the state's receipt of its share of federal highway funds and was thus preempted by this section. Fort Collins v. Root Outdoor Advertising, 788 P.2d 149 (Colo. 1990).

Payment of just compensation for the removal of signs is required to preserve the state's federal funding; amortization is not the equivalent of "just compensation". Removal of signs must be accomplished through eminent domain proceedings. Fort Collins v. Root Outdoor Advertising, 788 P.2d 149 (Colo. 1990).

A city may use municipal funds to compensate an owner for the removal of signs prior to the availability of the federal share of such compensation. Fort Collins v. Root Outdoor Advertising, 788 P.2d 149 (Colo. 1990).

43-1-417. Violation and penalty.

(1) The erection, use, or maintenance of any advertising device in violation of any provision of this part 4 is declared to be illegal and, in addition to other remedies provided by law, the department is authorized to institute appropriate action or proceeding to prevent or remove such violation in any district court of competent jurisdiction. The removal of any advertising device unlawfully erected shall be at the expense of the person who erects and maintains such device.

(2) Any person who violates any provisions of this part 4 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense. Each day of violation of the provisions of this part 4 shall constitute a separate offense.

(3) (a) Except as provided in section 43-1-421, no person other than the department without written approval of the department shall erect or maintain any advertising device located either wholly or partly within the right-of-way of any state highway that is a part of the state highway system, including streets within cities, cities and counties, and incorporated towns. All advertising devices so located are hereby declared to be public nuisances, and any law enforcement officer or peace officer in the state of Colorado or employee of the department is hereby authorized and directed to remove the same without notice.

(b) The department may grant written permission to erect official advertising devices within the right-of-way of any state highway.

Source: L. 81: Entire part R&RE, p. 2018, § 1, effective July 1. L. 95: (3)(a) amended, p. 278, § 2, effective April 20.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. Provisions of this section, as it existed in 1981, are similar to those contained in § 43-1-406 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

ANNOTATION

Applied in State Dept. of Hwys. v. Pigg, 653 P.2d 67 (Colo. App. 1982).

43-1-418. Roadside advertising fund.

There is hereby created in the department the roadside advertising fund. All permit fees collected under this part 4 shall be deposited by the department in such fund to carry out its duties under this part 4. The fee structure shall be reviewed by the department every four years.

Source: L 81: Entire part R&RE, p. 2018, § 1, effective July 1.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. This section, as it existed in 1981, is the same as § 43-1-420 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

43-1-419. Scenic byways - Independence pass scenic area highway.

(1) (a) State highways designated as scenic byways by the transportation commission shall have no new advertising devices erected which are visible from the highway, except the following:
(I) Official advertising devices, as defined in section 43-1-403 (13);
(II) On-premise advertising devices, as defined in section 43-1-403 (14); or
(III) Directional advertising devices, as defined in section 43-1-403 (4).

(b) Existing advertising devices along scenic byways which are in compliance with this part 4 and the rules and regulations of the department may be maintained as long as they remain in compliance with all provisions of this part 4 and the rules and regulations of the department.

(c) (I) An advertising device shall be considered to be visible from a designated highway if it is plainly visible to the driver of a vehicle who is proceeding in a legally designated direction and traveling at the posted speed.

(II) As used in this paragraph (c), "visible" shall have the same meaning as provided in section 43-1-403 (17).

(2) Independence pass on state highway 82 and sixteen miles of said highway extending on either side of Independence pass in Pitkin and Lake counties, Colorado, is

designated as a scenic area highway, and no advertising devices shall be erected on or near said highway so as to be visible to motor vehicle operators on said highway.

Source: L. 81: Entire part R&RE, p. 2018, § 1, effective July 1. L. 92: Entire section amended, p. 1343, § 4, effective July 1. L. 93: (1)(c) added, p. 1487, § 2, effective June 6.

Editor's note: This section was contained in a part that was repealed and reenacted in 1981. This section, as it existed in 1981, is the same as § 43-1-421 as said section existed in 1980, the year prior to the repeal and reenactment of this part.

43-1-420. Specific information signs and touriskoriented directional signs authorized - rules.

(1) (a) The department may erect, administer, and maintain signs within highway rights-of-way upon the interstate system, which rights-of-way are outside urbanized areas, for the display of advertising and information of interest to the traveling public, pursuant to the federal authority therefor as set forth in 23 U.S.C. sees. 109 (d), 131 (f), and 315 and 49 CFR 1.48(b).

(b) In addition to erecting, administering, and maintaining the signs authorized by paragraph (a) of this subsection (1), the department may authorize the erection, administration, and maintenance of specific information signs within highway rights-of-way upon the interstate system for the purpose of providing information pursuant to federal authority.

(1.5) As used in this section, "urbanized area" means that area within the boundary of a metropolitan area having a population of fifty thousand or more as determined by the United States bureau of the census in its latest census and as included on the urbanized area map approved by the department.

(2) The department may issue permits for business signs to be installed on specific information signs, all such specific information signs and business signs to be constructed and installed at the expense of the business being identified unless otherwise specified by a contractor in an agreement negotiated pursuant to section 43-1-1202 (1) (a) (XI). Permits for such business signs shall be issued for a period of one year, beginning each January 1, without proration for periods less than a year. Each application for an initial permit or for a renewal of an existing permit shall be accompanied by an administration and maintenance fee to be determined by the department or by the contractor in an agreement negotiated pursuant to section 43-1-1202 (1) (a) (XI). In the event that the number of applications for permits for a particular location exceeds the number of business signs that can be accommodated at that location, the department or, if so specified in an agreement negotiated pursuant to section 43-1-1202 (1) (a) (XI), the contractor, shall develop a method for the annual rotation of such business signs. The department shall not condition eligibility for business signs on the utilization of any other off-premise outdoor advertising devices.

(3) The department may issue permits and adopt rules for the erection, administration, and maintenance of tourist-oriented directional signs within highway rights-of-way not on the interstate system and not on freeways or expressways, as such highways are defined in the rules, that are in urbanized areas, for the display of information of interest to the traveling public pursuant to the federal authority therefor as set forth in 23 U.S.C. sees. 109 (d), 315, and 402 (a) and 49 CFR 1.48 (b) and in accordance with federal requirements. Any tourist-oriented directional sign erected pursuant to this subsection
(3) shall be required to comply with all applicable regulations of the county, city and county, or municipality in which the sign is located. A county, city and county, or municipality may choose to authorize such signs within its jurisdiction by adoption of a resolution to that effect by the governing body of the county, city and county, or municipality, which resolution shall be directed to the executive director of the department or the executive director's designee. Upon receipt of the resolution, the department shall authorize further implementation of the tourist-oriented directional sign program within the affected jurisdiction subject to the rules adopted by the department. The department shall not condition eligibility for business signs on the utilization of any other off-premise outdoor advertising devices.

(4) The department may contract with private businesses to implement all or part of the sign programs authorized by this section pursuant to the public-private initiatives program set forth in part 12 of this article.

(5) Notwithstanding any provision of this section to the contrary, the department may erect, administer, and maintain signs within highway rights-of-way upon the interstate system, which rights-of-way are within a populated area, other than a transportation management area, as determined by the United States bureau of the census in its latest census, for the display of advertising and information of interest to the traveling public, pursuant to the federal authority therefor as set forth in 23 U.S.C. sees. 109 (d), 131 (f), and 315 and 49 CFR 1.48 (b).

Source: L. 81: Entire part R&RE, p. 2018, § 1, effective July 1. L. 87: Entire section amended, p. 1551, § 1, effective March 12. L. 89: (3) added, p. 1628, § 1, effective May 26. L. 98: Entire section amended, p. 165, § 2, effective August 5. L. 2004: (5) added, p. 9, § 1, effective August 4. L. 2008: (1)(b) and (3) amended, p. 287, § 1, effective August 5.

Editor's note: Subsections (1)(b) and (3) were contained in a 2008 act that was passed without a safety clause. For further explanation concerning the effective date, see page ix of this volume.

Cross references: For the legislative declaration contained in the 1998 act amending this section, see section 1 of chapter 65, Session Laws of Colorado 1998.

(1) Notwithstanding any other provision of law and except as otherwise provided in subsection (2) of this section, on-premise advertising devices shall be allowed to extend over existing rights-of-way and future rights-of-way as described in section 43-1-210 (3) of any state highway if all of the following requirements are met:

(a) The on-premise advertising device is attached to and extended from a building and only advertises activities or services offered in that building;

(b) The building and attached on-premise advertising device is adjacent to the state highway within a city, city and county, or incorporated town having authority over the state highway pursuant to section 43-2-135;

(c) The on-premise advertising device does not restrict pedestrian traffic and is not a safety hazard to the motoring public; and

(d) Before erecting the on-premise advertising device, the owner of the on-premise advertising device obtains written permission from the city, city and county, or incorporated town.

(2) This section shall not apply if the department determines that compliance with this section will cause denial of federal moneys that would otherwise be available or would otherwise be inconsistent with federal law, but only to the extent necessary to prevent denial of the moneys or to eliminate the inconsistency with federal law. The department shall pursue every lawful remedy available to obtain permission or authority, if required by federal law, to apply this section in any such case.

Source: L. 95: Entire section added, p. 277, § 1, effective April 20. L. 96: (1) amended, p. 777, § 3, effective May 23

APPENDIX E

1965 and 1971 Federal/State Agreements

AGREEMENT
FOR CARRYING OUT THE NATIONAL POLICY RELATIVE
TO ADVERTISING ADJACENT TO THE NATIONAL
SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

In order to promote the safety, convenience and enjoyment of public travel and the free flow of interstate commerce, and to protect the public investment in the National System of Interstate and Defense Highways, hereinafter referred to as the "Interstate System", the United States of America represented by the Secretary of Commerce acting through the Federal Highway Administrator, hereinafter referred to as the "Administrator", and the State of Colorado acting through its Department of Highways, hereinafter referred to as the "State", have entered into this Agreement.

I. DEFINITIONS.

A. The term "Act" means section 131 of title 23, United States Code (1958), as amended, 23 U.S.C. § 131 (Supp. III, 1961).

B. The term "National Standards" means the National Standards for Regulation by States of Outdoor Advertising Signs, Displays and Devices Adjacent to the National System of Interstate and Defense Highways promulgated by the Secretary of Commerce pursuant to the Act, 23 C.F.R. Part 20 (Supp. 1962).

C. Unless the context requires otherwise, the terms used herein shall have the same meaning as in the Act and the National Standards.

II. SCOPE OF AGREEMENT.

Except as otherwise expressly set forth herein, this Agreement shall apply to all areas adjacent to, and within 660 feet of the edge of the right-of-way of, all portions of the Interstate System within the State, the entire width of the right-of-way for which has been acquired after July 1, 1956, or may be acquired in the future. Such areas, not specifically exempted by the terms of this Agreement, are designated as "Adjacent Areas".

Neither this Agreement nor the National Standards shall apply to areas zoned commercial or industrial which are adjacent to segments of the Interstate System if those areas are within the September 21, 1959, boundaries of an incorporated municipality which has the authority to control or regulate the use of real property adjacent to the Interstate System, or if those areas were not within such a municipality on September 21, 1959, but on that date were clearly established by State law as commercial or industrial.

III. THE STATE'S OBLIGATION.

The State shall, in accordance with the terms of this Agreement, control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays and devices in Adjacent Areas consistent with the terms of the Act and the National Standards. Nothing contained herein shall prohibit the State from controlling or regulating outdoor advertising signs to a degree greater than that required or contemplated by the Act and the National Standards.

IV. INCREASE IN FEDERAL SHARE PAYABLE.

When sufficient funds are appropriated and available for that purpose, the Federal share payable on account of any segment of the Interstate System provided for by sums authorized under section 108 of the Federal-aid Highway Act of 1956, as amended, to which the National Standards and this Agreement apply, shall be increased by one-half of one percent of the total cost thereof, subject to the condition that no additional cost incurred in carrying out this Agreement shall be included in that total cost upon which the increased share is calculated.

V. PAYMENT UPON EVIDENCE OF THE STATE'S COMPLIANCE.

Payment of the increased Federal share will be made by the Administrator with respect to an Interstate segment upon the submission by the State to the Administrator of a satisfactory showing that the State has fulfilled its obligations under this Agreement in connection with that segment, and that the State is continuing to carry out its obligations hereunder with respect to all other segments of the Interstate System to which this Agreement applies.

With the first request for payment of the increased Federal share the State will submit detailed maps in triplicate showing those portions of the Interstate System within its borders which have been completed to that date. The maps shall clearly indicate by means of color coding the portions of the Interstate System to which the national standards and this Agreement apply and those portions which are excluded from such application.

As other segments of the Interstate System are completed or added to the Interstate System, additional maps, similarly color coded, will be submitted showing the segments to which the National Standards and this Agreement apply.

VI. REMOVAL OF ADVERTISING SIGNS, DISPLAYS OR DEVICES.

A. No outdoor advertising sign, display, or device which is inconsistent with the Act or the National Standards shall be permitted in an adjacent area after July 1, 1969.

B. No part of the increased Federal share payable under the Act shall be paid on account of an Adjacent Area until outdoor advertising control in such area complies completely with the National Standards.

VII. FAILURE OF THE STATE TO PERFORM ITS OBLIGATIONS ASSUMED HEREUNDER.

If, after receiving the increased Federal payments with regard to an Adjacent Area, the State shall fail to perform its obligations assumed under this Agreement in conjunction with that area, the State expressly agrees that, if without good cause shown to the satisfaction of the Administrator, it fails to correct the defect within 30 days after the date of mailing by the Administrator of written notice thereof, it shall repay all increased Federal payments paid on account of such area. If such repayment is not made within a reasonable time, the State expressly authorizes the Administrator to withhold from the State an amount equal to such payments out of any Federal-aid highway funds due or that may become due to the State.

Notwithstanding any other provisions of this Agreement if the failure of the State to perform any obligation assumed hereunder is caused by a decision of a court of competent jurisdiction or by a ruling of the Attorney General of the State that the State is without legal authority to perform that obligation, the State shall not be required to repay all increased Federal payments made under this Agreement until 60 days have elapsed after the adjournment of the State legislative session next following such declaration or ruling.

VIII. REPAYMENT NECESSITATED BY CHANGES IN ZONING WITHIN INCORPORATED MUNICIPALITIES.

When an Adjacent Area within the boundaries of an incorporated municipality possessing authority to control the use of real property acent to the Interstate System, as those boundaries existed on September 21, 1959, is rezoned as commercial or industrial, the National Standards and this Agreement shall no longer apply thereto. The State expressly agrees that it shall repay all increased Federal payments paid on account of such area. If such repayment is not made within thirty days after it is requested, the State expressly authorizes the Administrator to withhold from the State an amount equal to such payments made out of any Federal-aid highway funds due or that may become due to the State.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of June 30, 1965.

DEPARTMENT OF HIGHWAYS

By _____

Name:

Title: Chief Engr.

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS

By _____

A G R E E M E N T

STATE OF COLORADO

FOR CARRYING OUT NATIONAL POLICY RELATIVE TO CONTROL OF OUTDOOR ADVERTISING IN AREAS ADJACENT TO THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS AND THE FEDERAL-AID PRIMARY SYSTEM

THIS AGREEMENT made and entered into this 9th day of July, 1971, by and between the United States of America represented by the Secretary of Transportation acting by and through the Federal Highway Administrator, hereinafter referred to as the "Administrator," and the State of Colorado, represented by the Department of Highways acting by and through its Executive Director, hereinafter referred to as the "State."

Witnesseth:

WHEREAS, Congress has declared that Outdoor Advertising in areas adjacent to the Interstate and Federal-aid primary systems 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; and

WHEREAS, Section 131(d) of Title 23, United States Code, authorizes the Secretary of Transportation to enter into agreements with the several States to determine the size, lighting, and spacing of signs, displays, and devices, consistent with customary use, which may be erected and maintained within 660 feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and Federal-aid Primary Systems which are zoned industrial or commercial under authority of State law or in unzoned commercial or industrial areas, also to be determined by agreement; and

WHEREAS, the purpose of said agreement is to promote the reasonable, orderly, and effective display of outdoor advertising while remaining consistent with the national policy to protect the public investment in the Interstate and Federal-aid primary highways, to promote the safety and recreational value of public travel and to preserve natural beauty; and

WHEREAS, Section 131(b) of Title 23, United States Code, provides that 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, 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 Title 23, United States Code, until such time as such State shall provide for such effective control; and

WHEREAS, the State of Colorado desires to implement and carry out the provisions of Section 131 of Title 23, United States Code, and the national policy in order to remain eligible to receive the full amount of all Federal-aid highway funds to be apportioned to such State on or after January 1, 1968, under Section 104 of Title 23, United States Code; and

WHEREAS, the State of Colorado and the Federal Highway Administrator entered into an agreement dated June 30, 1965 whereby the State agreed to control the erection and maintenance of outdoor advertising signs,

displays, and devices in areas adjacent to the National System of Interstate and Defense Highways in accordance with the provisions of Section 131 of Title 23, United States Code, and the national standards as in effect on June 30, 1965; and

WHEREAS, Section 131(j) of Title 23, United States Code provides that a State shall be entitled to receive the bonus payments as set forth in the agreement provided the State maintains the control required under such agreement; and

WHEREAS, the State of Colorado elects to maintain the control as set forth in such agreement except where the control required by Section 131 of Title 23, United States Code, is more restrictive;

NOW THEREFORE, the parties hereto do mutually agree as follows:

Section I

1. Definitions

   A. Act means Section 131 of Title 23, United States Code (1965) commonly referred to as Title I of the Highway Beautification Act of 1965.

   B. Zoned commercial or industrial areas means those areas which are zoned for business, industry, commerce, or trade pursuant to a State or local zoning ordinance or regulation.

   C. National System of Interstate and Defense Highways and Interstate System mean the system presently defined in and designated pursuant to subsection (d) of Section 103 of Title 23, United States Code.

D. Federal-aid primary highway means any highway within that portion of the State highway system as designated, or as may hereafter be so designated by the State, which has been approved by the Secretary of Transportation pursuant to subsection (b) of Section 103 of Title 23, United States Code.

E. Traveled way means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

F. Main-traveled way means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposition directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

G. Sign means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the Interstate or Federal-aid Primary Highway Systems.

H. Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish, but it shall not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign structure.

I. Maintain means to allow to exist.

J. Safety rest area means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control, for the convenience of the traveling public.

K. Visible means that the advertising copy or informative contents are capable of being seen without visual aid by a person of normal visual acuity.

Section II. Scope of Agreement

This agreement shall apply to the following areas:

A. All commercial or industrial zones within the boundaries of incorporated municipalities, as those boundaries existed on September 21, 1959, and all other areas where the land use as of September 21, 1959, was clearly established by State law as industrial or commercial within 660 feet of the nearest edge of the right-of-way of all portions of the Interstate System within the State of Colorado in which the outdoor advertising signs may be visible from the main-traveled way of said system.

B. All zoned commercial and industrial areas within 660 feet of the portions of the Interstate System which are constructed upon right-of-way, any part of which was acquired on or before July 1, 1956, in which outdoor advertising signs may be visible from the main-traveled way of said system.

C. All zoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way of all portions of the Federal-aid primary system within the State of Colorado in which outdoor advertising signs may be visible from the main-traveled way of said system.

III. State Control

The State hereby agrees that, in all areas within the scope of this agreement, the State shall effectively control, or cause to be controlled, the erection and maintenance of outdoor advertising signs, displays, and devices erected subsequent to the effective date of this agreement other than those advertising the sale or lease of the property on which they are located, or activities conducted thereon, in accordance with the following criteria:

A. In zoned commercial and industrial areas, the State may notify the Administrator as notice of effective control that there has been established within such areas regulations which are enforced with respect to the size, lighting, and spacing of outdoor advertising signs consistent with the intent of the Highway Beautification Act of 1965 and with customary use. In such areas, the size, lighting, and spacing requirements set forth below shall not apply.

B. In all other zoned commercial and industrial areas, the criteria set forth below shall apply:

Size of Signs

1. The maximum area for any one sign shall be 1,200 square feet with a maximum height of 30 feet and maximum length of 60 feet, inclusive of any border and trim but excluding the base or apron, supports, and other

structural members.

2. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire sign.
3. The maximum size limitations shall apply to each side of a sign structure; and signs may be placed back-to-back, side-by-side, or in V-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.

Spacing of Signs

1. Interstate and Federal-aid Primary Highways
   a. Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
2. Interstate Highways and Freeways on the Federal-aid Primary System
   a. No two structures shall be spaced less than 500 feet apart.
   b. Outside of incorporated villages and cities, no structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area. Said 500 feet to be measured along the Interstate or freeway from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

3. Non-freeway Federal-aid Primary Highways

   a. Outside of incorporated villages and cities - no two structures shall be spaced less than 300 feet apart.

   b. Within incorporated villages and cities - no two structures shall be spaced less than 100 feet apart.

4. The above spacing-between-structures provisions do not apply to structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

5. Explanatory Notes

   a. Official and "on-premise" signs, as defined in Section 131(c) of Title 23, United States Code, and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

   b. The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

Lighting

Signs may be illuminated, subject to the following restriction

1. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.
2. Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the Interstate or Federal-aid primary highways and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.
3. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
4. All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the State.

At any time that a bona fide county or local zoning authority adopts regulations which include the size, lighting, and spacing of outdoor advertising, the State may so notify the Administrator and control of outdoor advertising in the commercial or industrial zones within the geographical jurisdiction of said authority will transfer to subsection A of this section.

IV. Interpretation

The provisions contained herein shall constitute the standards for effective control of signs, displays, and devices within the scope of this agreement.

The provisions contained herein pertaining to the size, lighting, and spacing of outdoor advertising signs permitted in zoned commercial and industrial areas shall apply only to those signs erected subsequent to the effective date of this agreement except for those signs erected within 6 months after the effective date of this agreement in zoned commercial or industrial areas on land leased prior to such effective date, provided that a copy of such lease be filed with the State highway department within 30 days following such effective date.

In the event the provisions of the Highway Beautification Act of 1965 are amended by subsequent action of Congress or the State legislation is amended, the parties reserve the right to re-negotiate this agreement or to modify it to conform with any amendment.

VI. Effective Date

This Agreement shall have an effective date of July 9, 1971.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of July 9, 1971.

ATTEST:

Chief Clerk

STATE DEPARTMENT OF HIGHWAYS
STATE OF COLORADO

Executive Director

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION

By
Federal Highway Administrator

APPENDIX F

23 USC 131 Control of Outdoor Advertising

TITLE 23--HIGHWAYS

CHAPTER 1 -- FEDERAL-AID HIGHWAYS

Sec. 131. Control of outdoor advertising

(a) The Congress hereby finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in 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 approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, or historic or artistic significance the preservation of which would be consistent with the purposes of this section, and

(5) signs, displays, and devices advertising the distribution by nonprofit organizations of free coffee to individuals traveling on the Interstate System or the primary system. For the purposes of this subsection, the term ``free coffee'' shall include coffee for which a donation may be made, but is not required.

(d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority. Nothing in this subsection shall apply to signs, displays, and devices referred to in clauses (2) and (3) of subsection (c) of this section.

(e) Any sign, display, or device lawfully in existence along the Interstate System or the Federal-aid primary system on September 1, 1965, which does not conform to this section shall not be required to be removed until July 1, 1970. Any other sign, display, or device lawfully erected which does not conform to this section shall not be required to be removed until the end of the fifth year after it becomes nonconforming.

(f) The Secretary shall, in consultation with the States, provide within the rights-of-way for areas at appropriate distances from interchanges on the Interstate System, on which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained. Such signs shall conform to national standards to be promulgated by the Secretary.

(g) Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law and not permitted under subsection (c) of this section,

whether or not removed pursuant to or because of this section. The Federal share of such compensation shall be 75 per centum. Such 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 transportation 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 transportation 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 transportation 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 section, or to do so under subsection (b) of section 136, or with respect to failing to agree as to the size, lighting, and spacing of signs, displays, and devices or as to unzoned commercial or industrial areas in which signs, displays, and devices may be erected

and maintained under subsection (d) of this section, or with respect to failure to approve under subsection (g) of section 136, the Secretary shall give written notice to the State of his proposed determination and a statement of the reasons therefore, and during such period shall give the State an opportunity for a hearing on such determination. Following such hearing the Secretary shall issue a written order setting forth his final determination and shall furnish a copy of such order to the State. Within forty-five days of receipt of such order, the State may appeal such order to any United States district court for such State, and upon the filing of such appeal such order shall be stayed until final judgment has been entered on such appeal. Summons may be served at any place in the United States. The court shall have jurisdiction to affirm the determination of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the United States court of appeals for the circuit in which the State is located and to the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254. If any part of an apportionment to a State is withheld by the Secretary under subsection (b) of this section or subsection (b) of section 136, the amount so withheld shall not be reapportioned to the other States as long as a suit brought by such State under this subsection is pending. Such amount shall remain available for apportionment in accordance with the final judgment and this subsection. Funds withheld from apportionment and subsequently apportioned or reapportioned under this section shall be available for expenditure for three full fiscal years after the date of such apportionment or reapportionment as the case may be.

(m) There is authorized to be appropriated to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for the fiscal year ending June 30, 1966, not to exceed $20,000,000 for the fiscal year ending June 30, 1967, not to exceed $2,000,000 for the fiscal year ending June 30, 1970, not to exceed $27,000,000 for the fiscal year ending June 30, 1971, not to exceed $20,500,000 for the fiscal year ending June 30, 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973. The provisions of this chapter relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967. Subject to approval by the Secretary in accordance with the program of projects approval process of section 105,\1\ a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section.

\1\ See References in Text note below.

(n) No sign, display, or device shall be required to be removed under this section if the Federal share of the just compensation to be paid upon removal of such sign, display, or device is not available to make such payment. Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a 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 esthetically 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 of such removal. Effective control under this section includes compliance with the first sentence of this paragraph.

(s) Scenic Byway Prohibition.--If a State has a scenic byway program, the State may not allow the erection along any highway on the Interstate System or Federal-aid primary system which before, on, or after the effective date of this subsection, is designated as a scenic byway under such program of any sign, display, or device which is not in conformance with subsection (c) of this section. Control of any sign, display, or device on such a highway shall be in accordance with this section. In designating a scenic byway for purposes of this section and section 1047 of

the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity.

(t) Primary System Defined.--For purposes of this section, the terms ``primary system'' and ``Federal-aid primary system'' mean the Federal-aid primary system in existence on June 1, 1991, and any highway which is not on such system but which is on the National Highway System.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 904; Pub. L. 86-342, title I, Sec. 106, Sept. 21, 1959, 73 Stat. 612; Pub. L. 87-61, title I, Sec. 106, June 29, 1961, 75 Stat. 123; Pub. L. 88-157, Sec. 5, Oct. 24, 1963, 77 Stat. 277; Pub. L. 89-285, title I, Sec. 101, Oct. 22, 1965, 79 Stat. 1028; Pub. L. 89-574, Sec. 8(a), Sept. 13, 1966, 80 Stat. 768; Pub. L. 90-495, Sec. 6(a)-(d), Aug. 23, 1968, 82 Stat. 817; Pub. L. 91-605, title I, Sec. 122(a), Dec. 31, 1970, 84 Stat. 1726; Pub. L. 93-643, Sec. 109, Jan. 4, 1975, 88 Stat. 2284; Pub. L. 94-280, title I, Sec. 122, May 5, 1976, 90 Stat. 438; Pub. L. 95-599, title I, Secs. 121, 122, Nov. 6, 1978, 92 Stat. 2700, 2701; Pub. L. 96-106, Sec. 6, Nov. 9, 1979, 93 Stat. 797; Pub. L. 102-240, title I, Sec. 1046(a)-(c), Dec. 18, 1991, 105 Stat. 1995, 1996; Pub. L. 102-302, Sec. 104, June 22, 1992, 106 Stat. 253; Pub. L. 104-59, title III, Sec. 314, Nov. 28, 1995, 109 Stat. 586; Pub. L. 105-178, title I, Sec. 1212(a)(2)(A), June 9, 1998, 112 Stat. 193.)

References in Text

This Act, referred to in subsec. (d), probably means Pub. L. 89-285, Oct. 22, 1965, 79 Stat. 1028, as amended, known as the Highway Beautification Act of 1965, which enacted section 136 of this title and provisions set out as notes under sections 131 and 135 of this title and amended sections 131 and 319 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

Section 105, referred to in subsec. (m), was amended generally by Pub. L. 105-178, title I, Sec. 1104(a), June 9, 1998, 112 Stat. 127, and by Pub. L. 109-59, title I, Sec. 1104(a), Aug. 10, 2005, 119 Stat. 1163, and, as so amended, no longer refers to program of highway project approval process by Secretary.

The date of enactment of this subsection, referred to in subsec. (o), means May 5, 1976, the date of approval of Pub. L. 94-280.

The date of enactment of the Federal-Aid Highway Act of 1974, referred to in subsec. (p), means Jan. 3, 1975, the date of approval of Pub. L. 93-643.

For the effective date of this subsection, referred to in subsecs. (r)(1) and (s), see the Effective Date of 1991 Amendment note set out below.

Section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (s), is section 1047 of Pub. L. 102-240, which is set out as a note under section 101 of this title.

Amendments

1998--Subsec. (i). Pub. L. 105-178, Sec. 1212(a)(2)(A)(ii), substituted ``State transportation departments" for ``State highway departments".

Subsec. (j). Pub. L. 105-178, Sec. 1212(a)(2)(A)(i), substituted ``State transportation department" for ``State highway department" in two places.

1995--Subsec. (s). Pub. L. 104-59 inserted at end ``In designating a scenic byway for purposes of this section and section 1047 of the Intermodal Surface Transportation Efficiency Act of 1991, a State may exclude from such designation any segment of a highway that is inconsistent with the State's criteria for designating State scenic byways. Nothing in the preceding sentence shall preclude a State from signing any such excluded segment, including such segment on a map, or carrying out similar activities, solely for purposes of system continuity."

1992--Subsec. (n). Pub. L. 102-302 inserted at end ``Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a payment."

1991--Subsec. (m). Pub. L. 102-240, Sec. 1046(a), inserted at end ``Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State may use any funds apportioned to it under section 104 of this title for removal of any sign, display, or device lawfully erected which does not conform to this section."

Subsecs. (r) to (t). Pub. L. 102-240, Sec. 1046(b), (c), added subsecs. (r) to (t).

1979--Subsec. (c)(5). Pub. L. 96-106 substituted ``distribution by nonprofit" for ``distribution of nonprofit".

1978--Subsec. (c). Pub. L. 95-599 Secs. 121, 122(c), inserted ``including those which may be changed at reasonable intervals by electronic process or by remote control," after ``devices" in cl. (3) and added cl. (5).

Subsec. (g). Pub. L. 95-599, Sec. 122(a), inserted provision relating to just compensation for the removal of signs lawfully erected under State law but not permitted under subsec. (c).

Subsec. (j). Pub. L. 95-599, Sec. 122(d), inserted provision relating to permission by the State to erect and maintain information displays.

Subsec. (k). Pub. L. 95-599, Sec. 122(b), substituted ``Subject to compliance with subsection (g) of this section for the payment of just compensation, nothing" for ``Nothing".

1976--Subsec. (f). Pub. L. 94-280, Sec. 122(a), authorized the Secretary, in consultation with the States, to provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained.

Subsec. (i). Pub. L. 94-280, Sec. 122(c), authorized a State to establish travel information systems within the rights-of-way and prescribed as the Federal share of the cost of establishing an information center or travel information system the Federal share which is provided in section 120 of this title for a highway project on that Federal-aid system to be served by such center or system.

Subsecs. (o) to (q). Pub. L. 94-280, Sec. 122(b), added subsecs. (o) to (q).

1975--Subsec. (b). Pub. L. 93-643, Sec. 109(a), required reduction of Federal-aid highway funds apportioned on or after Jan. 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 660 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.

Subsec. (c). Pub. L. 93-643, Sec. 109(b), substituted ``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," for ``Effective control means that after January 1, 1968, such signs, displays, and devices", deleted in cl. (1) ``other" before ``official signs", and added cl. (4).

Subsec. (g). Pub. L. 93-643, Sec. 109(c), substituted first sentence reading ``Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law." for prior first sentence which provided for payment of just compensation for removal of outdoor advertising signs, displays, and devices (1) lawfully in existence on Oct. 22, 1965, (2) lawfully on any highway made a part of the interstate or primary system on or after Oct. 22, 1965, and before Jan. 1, 1968, and (3) lawfully erected on or after Jan. 1, 1968.

1970--Subsec. (m). Pub. L. 91-605 authorized to be appropriated not to exceed $27,000,000, $20,500,000 and $50,000,000, for the fiscal years ending June 30, 1971, 1972, and 1973, respectively.

1968--Subsec. (d). Pub. L. 90-495, Sec. 6(a), provided that whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority.

Subsec. (j). Pub. L. 90-495, Sec. 6(b), struck out provision for the imposition of controls on outdoor advertising by the Federal government that are stricter than those imposed by the State highway department.

Subsec. (m). Pub. L. 90-495, Sec. 6(c), inserted provision authorizing an appropriation of not to exceed $2,000,000 for the fiscal year ending June 30, 1970.

Subsec. (n). Pub. L. 90-495, Sec. 6(d), added subsec. (n).

1966--Subsec. (m). Pub. L. 89-574 substituted provisions making applicable to the funds authorized to be appropriated to carry out this section after June 30, 1967 the provisions of chapter 1 of this title relating to the obligation, period of availability and expenditure of Federal-aid primary highway funds for provisions prohibiting the use of any part of the Highway Trust Fund in carrying out this section.

1965--Subsec. (a). Pub. L. 89-285 struck out specific reference to the area which lies within six-hundred and sixty feet of the edge of the right-of-way and which is visible from the right-of-way and instead made only general reference to the areas adjacent to the Interstate System and struck out reference to types of permissible signs.

Subsec. (b). Pub. L. 89-285 substituted provisions reducing by 10 per centum the apportioned share, on or after January 1, 1968, of any State not making provision for effective control of erection and maintenance of outdoor advertising signs, displays and devices within six-hundred and sixty feet of the nearest edge of the right of way and visible from the traveled portion, reapportioning withheld funds to other States, and allowing for suspension of such provisions in the discretion of the Secretary, for provisions which authorized the Secretary to enter into agreements with the States to carry out national policy on control of areas adjacent to the Interstate System.

Subsec. (c). Pub. L. 89-285 substituted provisions setting out permissible types of signs as directional and other official signs and notices, signs advertising sale or lease of property on which the sign is located, and signs, displays, and devices advertising activities conducted on the property on which the sign is located, for provisions allowing for an increase in the Federal share payable under the Federal-Aid Highway Act of 1956, as amended, in the case of States entering into an agreement with the Secretary prior to July 1, 1965.

Subsec. (d). Pub. L. 89-285 substituted provisions allowing for agreements between the Secretary and the several States covering commercial or industrial property, for provisions covering control of the adjacent area when the Interstate System is located on or near public lands or reservations of the United States.

Subsec. (e). Pub. L. 89-285 substituted provisions setting out the timetable for removal of signs, displays, and devices lawfully along Interstate System or Federal-aid primary system highways, for provisions allowing the inclusion of the cost of purchase or condemnation of the right to advertise or control advertising in the area adjacent to Interstate System right-of-way as part of the cost of construction.

Subsecs. (f) to (m). Pub. L. 89-285 added subsecs. (f) to (m).

1963--Subsec. (c). Pub. L. 88-157 substituted ``July 1, 1965" for ``July 1, 1963".

1961--Subsec. (c). Pub. L. 87-61 substituted ``July 1, 1963" for ``July 1, 1961".

1959--Subsec. (b). Pub. L. 86-342 substituted ``Agreements entered into between the Secretary of Commerce and State highway departments under this section shall not apply to those segments of the Interstate System which traverse commercial or industrial zones within the presently existing boundaries of incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use, as of the date of approval of this Act, is clearly established by State law as industrial or commercial" for ``Upon application of the State, any such agreement may, within the discretion of the Secretary of Commerce consistent with the national policy, provide for excluding from application of the national standards segments of the Interstate System which traverse incorporated municipalities wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or which traverse other areas where the land use is clearly established by State law as industrial or commercial."

Effective Date of 1991 Amendment

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

Effective Date of 1968 Amendment

Amendment by Pub. L. 90-495 effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 101 of this title.

Study of State Practices on Specific Service Signing

Pub. L. 105-178, title I, Sec. 1213(g), June 9, 1998, 112 Stat. 202, provided that:

``(1) Study.--The Secretary shall conduct a study to determine the practices in the States for specific service food signs described in sections 2G-5.7 and 2G-5.8 of the Manual on

Uniform Traffic Control Devices for Streets and Highways. The study shall examine, at a minimum—

``(A) the practices of all States for determining businesses eligible for inclusion on such signs;

``(B) whether States allow businesses to be removed from such signs and the circumstances for such removal;

``(C) the practices of all States for erecting and maintaining such signs, including the time required for erecting such signs; and

``(D) whether States contract out the erection and maintenance of such signs.

``(2) Report.--Not later than 1 year after the date of enactment of this Act [June 9, 1998], the Secretary shall transmit to Congress a report on the results of the study, including any recommendations and, if appropriate, modifications to the Manual."

Effect of 1991 Amendment on State Compliance Laws or Regulations

Section 1046(d) of Pub. L. 102-240 provided that: ``The amendments made by this section [amending this section] shall not affect the status or validity of any existing compliance law or regulation adopted by a State pursuant to section 131 of title 23, United States Code."

Use of Tourist Oriented Directional Signs

Section 1059 of Pub. L. 102-240 provided that:

``(a) In General.--The Secretary shall encourage the States to provide for equitable participation in the use of tourist oriented directional signs or `logo' signs along the Interstate System and the Federal-aid primary system (as defined under section 131(t) of title 23, United States Code).

``(b) Study.--Not later than 1 year after the effective date of this title [Dec. 18, 1991], the Secretary shall conduct a study and report to Congress on the participation in the use of signs referred to in subsection (a) and the practices of the States with respect to the use of such signs."

Highway Beautification Commission

Section 123 of Pub. L. 91-605, as amended by Pub. L. 93-6, Feb. 16, 1973, 87 Stat. 6, established the Commission on Highway Beautification to (1) study existing statutes and regulations governing control of outdoor advertising and junkyards in areas adjacent to Federal-aid highway system, (2) review policies and practices of Federal and State agencies charged with

administrative jurisdiction over such highways insofar as such policies and practices relate to governing control of outdoor advertising and junkyards, (3) compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within foreseeable future, (4) study problems relating to control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to motoring public, (5) study methods of financing and possible sources of Federal funds, including use of the Highway Trust Fund, to carry out highway beautification program, and (6) recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest and to submit, not later than Dec. 31, 1973, its final report. The Commission terminated six months after submission of said report.

Comprehensive Study on Highway Beautification Programs

Section 302 of Pub. L. 89-285 provided that in order to provide the basis for evaluating the continuing programs authorized by Pub. L. 89-285, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1967, the Secretary, in cooperation with the State highway departments, shall make a detailed estimate of the cost of carrying out the provisions of Pub. L. 89-285, and a comprehensive study of the economic impact of such programs on affected individuals and commercial and industrial enterprises, the effectiveness of such programs and the public and private benefits realized thereby, and alternate or improved methods of accomplishing the objectives of Pub. L. 89-285. The Secretary was required to submit such detailed estimate and a report concerning such comprehensive study to the Congress not later than Jan. 10, 1967.

Standards, Criteria, Rules and Regulations

Section 303 of Pub. L. 89-285 mandated the holding of public hearings by the Secretary of Commerce prior to the promulgation of standards, criteria and rules and regulations necessary to carry out this section and section 136 of this title, such standards, criteria, etc., to be reported to Congress not later than Jan. 10, 1967.

Acquisition of Dwellings

Section 305 of Pub. L. 89-285 provided that: ``Nothing in this Act or the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under this section and sections 135 and 136 of this title] shall be construed to authorize the use of eminent domain to acquire any dwelling (including related buildings)."

Taking of Private Property Without Just Compensation

Section 401 of Pub. L. 89-285 provided that: ``Nothing in this Act or the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under sections 131, 135, and 136 of this title] shall be construed to authorize private property to be taken or the reasonable and existing use restricted by such taking without just compensation as provided in this Act."

Authorization of Additional Appropriations for Administrative Expenses

Section 402 of Pub. L. 89-285, as amended by Pub. L. 97-449, Sec. 2(a), Jan. 12, 1983, 96 Stat. 2439, provided that: ``In addition to any other amounts authorized by this Act and the amendments made by this Act [amending this section and section 319 of this title and enacting section 136 of this title and provisions set out as notes under this section and sections 135 and 136 of this title], there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary not to exceed $5,000,000 for administrative expenses in carrying out this Act (including amendments made by this Act)."

APPENDIX G

23 USC 140

Nondiscrimination

Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $2,500,000 for the transition quarter ending September 30, 1976, and not to exceed $10,000,000 per fiscal year, for the administration of this subsection. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary. Notwithstanding any other provision of law, not to exceed 1/2 of 1 percent of funds apportioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be available to carry out this subsection upon request of the State highway department to the Secretary.

23 USC 140

TITLE 23--HIGHWAYS

CHAPTER 1--FEDERAL-AID HIGHWAYS

Sec. 140. Nondiscrimination

(a) Prior to approving any programs for projects as provided for in subsection (a) of section 105 of this title, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this chapter that employment in connection with proposed projects will be provided without regard to race, color, creed, national origin, or sex. He shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this chapter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed, national origin, or sex. In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted or preclude workers that are participating in an apprenticeship, skill improvement, or other upgrading program registered with the Department of Labor or the appropriate State agency from being referred to, or hired on, projects funded under this title without regard to the length of time of their participation in such program. The Secretary shall periodically obtain from the Secretary of Labor and the respective State transportation departments information which will enable him to judge compliance with the requirements of this section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder.

(b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction and technology training, including skill improvement programs, and to develop and fund summer transportation institutes. Whenever apportionments are made under

section 104(b)(3) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $2,500,000 for the transition quarter ending September 30, 1976, and not to exceed $10,000,000 per fiscal year, for the administration of this subsection. Such sums so deducted shall remain available until expended. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be not be applicable to contracts and agreements made under the authority herein granted to the Secretary. Notwithstanding any other provision of law, not to exceed \1/2\ of 1 percent of funds apportioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be available to carry out this subsection upon request of the State transportation department to the Secretary.

(c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Whenever apportionments are made under subsection 104(a) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $10,000,000 per fiscal year, for the administration of this subsection. The provisions of section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of section 302(e)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(e)).

\1\ See References in Text note below.

(d) Indian Employment and Contracting.--Consistent with section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(i)), nothing in this section shall preclude the preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations. The Secretary shall cooperate with Indian tribal governments and the States to implement this subsection.

(Added Pub. L. 90-495, Sec. 22(a), Aug. 23, 1968, 82 Stat. 826; amended Pub. L. 91-605, title I, Sec. 110, Dec. 31, 1970, 84 Stat. 1719; Pub. L. 93-87, title I, Sec. 120, Aug. 13, 1973, 87 Stat. 259; Pub. L. 94-280, title I, Sec. 126, May 5, 1976, 90 Stat. 440; Pub. L. 97-424, title I, Sec. 119, Jan. 6, 1983, 96 Stat. 2110; Pub. L. 100-17, title I, Sec. 122, Apr. 2, 1987, 101 Stat. 160; Pub. L. 102-240, title I, Sec. 1026, Dec. 18, 1991, 105 Stat. 1965; Pub. L. 102-388, title IV, Sec. 412, Oct. 6, 1992, 106 Stat. 1565; Pub.L. 105-178, Title I, SS 1208, 1212(a)(2)(A), June 9, 1998, 112 Stat. 186, 193.)

References in Text

Subsection (e) of section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(e)), referred to in subsec. (c), was struck out by section 2714(a)(1)(B) of Pub. L.

98-369 and restated in subsection (c)(1) of section 302 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252(c)(1)).

Amendments

1998--Subsec. (a). Pub.L. 105-178, S 1208(a), following the third sentence, inserted "In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted or preclude workers that are participating in an apprenticeship, skill improvement, or other upgrading program registered with the Department of Labor or the appropriate State agency from being referred to, or hired on, projects funded under this title without regard to the length of time of their participation in such program."

Pub.L. 105-178, S 1212(a)(2)(A)(ii), substituted "State transportation departments" for "State highway departments".

Subsec. (b). Pub.L. 105-178, S 1208(b), in the first sentence, substituted "highway construction and technology training" for "highway construction training" and inserted ", and to develop and fund summer transportation institutes" following "skill improvement programs", and in the second sentence, struck out "104(b)" and inserted "104(b)(3)".

Pub.L. 105-178, S 1212(a)(2)(A)(i), substituted "State transportation department" for "State highway department".

Subsec. (c). Pub.L. 105-178, S 1208(c), substituted "104(b)(3)" for "104(a)".

1992--Subsec. (b). Pub. L. 102-388 substituted ``1/2 of 1 percent" for ``1/4 of 1 percent" in last sentence.

1991--Subsec. (b). Pub. L. 102-240, Sec. 1026(a), (b), inserted ``Indian tribal government," after ``institution," and inserted at end ``Notwithstanding any other provision of law, not to exceed \1/4\ of 1 percent of funds apportioned to a State for the surface transportation program under section 104(b) and the bridge program under section 144 may be available to carry out this subsection upon request of the State highway department to the Secretary."

Subsec. (c). Pub. L. 102-240, Sec. 1026(b), inserted ``Indian tribal government," after ``institution,".

Subsec. (d). Pub. L. 102-240, Sec. 1026(c), inserted after first sentence ``States may implement a preference for employment of Indians on projects carried out under this title near Indian reservations."

1987--Subsec. (d). Pub. L. 100-17 added subsec. (d).

1983--Pub. L. 97-424, Sec. 119(c), substituted ``Nondiscrimination" for ``Equal employment opportunity" in section catchline.

Subsec. (a). Pub. L. 97-424, Sec. 119(a), substituted ``, national origin, or sex" for ``or national origin" after ``color, creed", in two places.

Subsec. (c). Pub. L. 97-424, Sec. 119(b), added subsec. (c).

1976--Subsec. (b). Pub. L. 94-280 substituted second sentence ``Whenever apportionments are made under section 104(b) of this title, the Secretary shall deduct such sums as he may deem necessary, not to exceed $2,500,000 for the transition quarter ending September 30, 1976, and not to exceed $10,000,000 per fiscal year, for the administration of this subsection." for ``Whenever an apportionment is made under subsections 104(b)(1), (b)(2), (b)(3), (b)(5), and (b)(6) of this title of the sums authorized to be appropriated for expenditure upon the Federal-aid primary and secondary systems, and their extensions within urban areas, the Interstate System, and the Federal-aid urban system for the fiscal years 1972, 1973, 1974, 1975, and 1976, the Secretary shall deduct such sums as he may deem necessary not to exceed $5,000,000 per fiscal year for the fiscal years 1972 and 1973, and $10,000,000 per fiscal year for the fiscal years 1974, 1975 and 1976, for administering the provisions of this subsection to be financed from the appropriation for the Federal-aid systems."

1973--Subsec. (b). Pub. L. 93-87 included apportionment of appropriated moneys for administration of subsec. (b) provisions for fiscal years 1974, 1975, and 1976, and substituted provisions which made available for such administration $5,000,000 per fiscal year for fiscal years 1972, and 1973, and $10,000,000 per fiscal year for fiscal years 1974, 1975, and 1976, for prior provision making available $5,000,000 per fiscal year for such administration.

1970--Pub. L. 91-605 designated existing provisions as subsec. (a) and added subsec. (b).

Effective Date of 1991 Amendment

Amendment by Pub. L. 102-240 effective Dec. 18, 1991, and applicable to funds authorized to be appropriated or made available after Sept. 30, 1991, and, with certain exceptions, not applicable to funds appropriated or made available on or before Sept. 30, 1991, see section 1100 of Pub. L. 102-240, set out as a note under section 104 of this title.

Effective Date

Section effective Aug. 23, 1968, see section 37 of Pub. L. 90-495, set out as an Effective Date of 1968 Amendment note under section 101 of this title.

APPENDIX H

23 USC 319 Landscaping and Scenic Enhancement

and

CDOT ROW Manual Chapter 7 Landscaping

TITLE 23--HIGHWAYS

CHAPTER 3--GENERAL PROVISIONS

Sec. 319. **Landscaping and scenic enhancement**

(a) Landscape and Roadside Development.--The Secretary may approve as a part of the construction of Federal-aid highways the costs of landscape and roadside development, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and other facilities reasonably necessary to accommodate the traveling public, and for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to such highways.

(b) Planting of Wildflowers.—

(1) General rule.--The Secretary shall require the planting of native wildflower seeds or seedlings, or both, as part of any landscaping project under this section. At least ¼ of 1 percent of the funds expended for such landscaping project shall be used for such plantings.

(2) Waiver.--The requirements of this subsection may be waived by the Secretary if a State certifies that native wildflowers or seedlings cannot be grown satisfactorily or planting areas are limited or otherwise used for agricultural purposes.

(3) Gifts.--Nothing in this subsection shall be construed to prohibit the acceptance of native wildflower seeds or seedlings donated by civic organizations or other organizations and individuals to be used in landscaping projects.

(Pub. L. 85-767, Aug. 27, 1958, 72 Stat. 916; Pub. L. 89-285, title III, Sec. 301(a), Oct. 22, 1965, 79 Stat. 1032; Pub. L. 89-574, Sec. 8(b), Sept. 13, 1966, 80 Stat. 768; Pub. L. 90-495, Sec. 6(f), Aug. 23, 1968, 82 Stat. 818; Pub. L. 94-280, title I, Sec. 136(a), May 5, 1976, 90 Stat. 442; Pub. L. 100-17, title I, Sec. 130, Apr. 2, 1987, 101 Stat. 169.)

Amendments

1987--Pub. L. 100-17 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1976--Pub. L. 94-280, in revising section, struck out subsec. (a) designation for existing text; incorporated as part of the section provision of former subsec. (b) for acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to Federal-aid highways; and struck out subsec. (b) designation and other subsec. (b) provisions relating to: allocation to a State out of appropriated funds an amount equivalent to 3 per centum of funds apportioned to a State for Federal-aid highways for landscape and roadside development use within the highway right-of-way, including acquisition and development of publicly owned and controlled rest and recreation areas and sanitary and

other facilities within or adjacent to the highway right-of-way without being matched by the State; authorization of Secretary to except a State from the requirement upon a showing that amount is in excess of the State needs for the purposes; lapse of unused funds; appropriations authorization of $120,000,000 for fiscal years ending June 30, 1966, and 1967, and $20,000,000 for fiscal year ending June 30, 1970; and provision making chapter 1 respecting obligation, period of availability, and expenditure of Federal-aid primary highway funds applicable to funds authorized to be appropriated to carry out subsec. (b) after June 30, 1967.

1968--Subsec. (b). Pub. L. 90-495 inserted provisions authorizing an appropriation of not to exceed $20,000,000 for the fiscal year ending June 30, 1970.

1966--Subsec. (b). Pub. L. 89-574 substituted provisions making applicable to the funds authorized to be appropriated to carry out this subsection after June 30, 1967, the provisions of chapter 1 of this title relating to the obligations, period of availability, and expenditure of Federal-aid primary highway funds for provisions prohibiting the use of any part of the Highway Trust Fund in carrying out this subsection.

1965--Pub. L. 89-285 rearranged section structurally, made provision for apportionment of an amount, in addition to the state's annual apportionment, equivalent to 3 per centum of the fund annually apportioned to the state for federal-aid highways to acquire interests and improvements for restoration, preservation, and enhancement of scenic beauty adjacent to Federal-aid highways, authorized appropriations of $120,000,000 for fiscal year ending June 30, 1966, and $120,000,000 for fiscal year ending June 30, 1967, and prohibited use of Highway Trust Fund moneys in carrying out the scenic enhancement provisions.

Effective Date of 1968 Amendment

Amendment by Pub. L. 90-495 effective August 23, 1968, see section 37 of Pub. L. 90-495, set out as a note under section 101 of this title.

Continuing Availability of Appropriated Funds for Appropriation, Obligation, and Expenditure

Section 136(b) of Pub. L. 94-280 provided that: ``All sums authorized to be appropriated to carry out section 319(b) of title 23, United States Code [former subsec. (b) of this section], as in effect immediately before the date of enactment of this section [May 5, 1976] shall continue to be available for appropriation, obligation, and expenditure in accordance with such section 319(b) [former subsec. (b) of this section], notwithstanding the amendment made by the subsection (a) of this section [to this section]."

National Scenic Highway System Study and User Access Study for Parks and Recreation Areas

Pub. L. 93-87, title I, Sec. 134, Aug. 13, 1973, 87 Stat. 268, mandated a study to determine the feasibility of a scenic highway system to link together recreational, historical sites, and a study of user access to parks and recreational areas, including alternatives to private automobiles, the results of the studies to be reported to Congress no later than July 1, 1974, and Jan. 1, 1975, respectively.

Acquisition of Dwellings

Prohibition against the use of eminent domain to acquire any dwelling (including related buildings) under the terms of Pub. L. 89-285, see section 305 of Pub. L. 89-285, set out as a note under section 131 of this title.

Taking of Private Property Without Just Compensation

Prohibition against the taking of private property or the restriction of reasonable and existing use by such taking without just compensation under the terms of Pub. L. 89-285, see section 401 of Pub. L. 89-285, set out as a note under section 131 of this title.

CDOT ROW Manual 7.2.18 -Landscaping

1. General

Landscaping, as used in this Chapter, means to alter the appearance of a piece of land by minor grading , planting trees, shrubs, flowers, grasses, or installing an irrigation system to support plant life. It does not mean changing the contour of the land. It also does not mean placing any other items in the Right of Way other than those noted above. CDOT may permit the beautification of the Right of Way by the adjacent landowner, local municipality or other interested party when it does not compromise the integrity and the safety of the highway.

A. Permission to use CDOT Right of Way for landscaping can be obtained either by a permit or a license. A license may be obtained by land owners who desire to landscape small parcels of CDOT Right of Way adjacent to their property where a physical barrier such as a noise wall separates the requested Right of Way parcel from the travel surface of the CDOT facility. Allowing landowners to landscape such parcels alleviates CDOT of the burden of maintaining these small parcels without compromising the integrity and safety of the highway. A permit shall be issued for all other requests.

B. Regardless of the type of request, if a CDOT Right of Way fence separates the requestor's property from the Right of Way, either a CDOT approved gate must be installed in the fence, or a fence agreement allowing for an alternative barrier must be executed and recorded at the County Clerk and Recorders Office. Also, if the landscaping activity requires crossing a deeded access control line (A-line), a license to allow for the crossing must be executed. Fencing and gate provisions and licenses to allow for crossing of deeded A-lines can be incorporated into the permission document given to the landowner to allow for the landscaping activity. All landscaping activities in interstate Right of Way, or that cross access control lines for interstate facilities must be approved by FHWA.

C. Landscaping work within municipal boundaries (pursuant to § 43-2-135, C.R.S.) on certain public lands, or on private property, may require separate approval of the appropriate jurisdictional agency or property owner.

2. Licenses

CDOT owns certain segments of Right of Way that are located behind a physical barrier that separate such Right of Way from the travel surface of the transportation facility. Regions shall request authority for A-line crossings from the Property Management Program Manager. Regions may enter into agreements with numerous landowners owning property located beyond long stretches of physical barrier. A current landscaping license form is located on the Property Management web page. Applications for such approvals must include the following:

A. From applicant

i. The applicant's name, address, telephone number and email address;
ii. Description of the proposed landscaping to be performed (Sketch would be sufficient);
iii. Description of how and where the Permittee proposes to access the Right of Way.

B. CDOT will provide
i. Map and Plans of the proposed landscaping area to show location;
ii. Photo (if available) of the proposed landscaping area;
iii. CDOT Form #128 – Categorical Exclusion Determination.
Region Traffic Engineers or their designees are responsible for landscaping licenses. A current landscaping license form is located on the Property Management web page. All modifications to the landscaping license shall be approved by the Property Management Program Manager.
3. Eligibility

Each request must be reviewed with the safety of the motoring public as the overriding consideration.

A. To be eligible to obtain a permit to landscape within the Right of Way, the applicant must meet one of the following criteria:
i. The applicant is the adjacent land owner to the Right of Way the applicant wishes to landscape;
ii. The applicant is a local public agency whose jurisdiction encompasses the Right of Way the applicant wishes to landscape;
iii. The applicant intends to sponsor the landscaping of an interchange or rest area. This sponsorship, and all related criteria for sponsorship and subsequent acknowledgement signs, will be consistent with the current Adopt-A-Highway program.

B. Areas not eligible for landscaping
i. Areas containing environmental restrictions such as wetlands or habitat for threatened or endangered species as identified during environmental studies prior to approval of the initial permit for the permitted area;
ii. Areas under construction, or planned to be under construction;
iii. Any median that separates traffic lanes on the Interstate Highway, Freeway or Expressway.

C. Areas that may be eligible on a case-by-case basis as determined by the Region Traffic Sections
i. Any median that separates traffic lanes on the Right of Way other than Interstate Highway, Freeway or Expressway.
ii. Rest areas or other locations with the approval of FHWA.

4. Responsibilities and Requirements of the Permitee

A. Access

Access to the permitted Right of Way shall be from the adjacent landowner's property only. In the case of a local public agency, access may be granted elsewhere with the approval of the Region's Traffic Engineer with an approved traffic control plan, and appropriate traffic control devices placed according to the approved traffic control plan.

i. Access to the permitted landscaped area for all Interstate and controlled access Highways is limited to the use of gates provided in the Right of Way fence via the adjacent property. If no gate exists, one may be installed by the Permittee at a location designated by CDOT, at the Permittee's expense, and shall meet CDOT's current standards. The gate becomes the property of CDOT. CDOT shall provide a lock for any gate installed for access to any Right of Way abutting Interstate. A lock on all other gates providing Right of Way access shall be at the discretion of CDOT. The Permittee shall coordinate access through the gate with CDOT's local maintenance patrol. The gate shall not be used for any other purpose than conducting landscaping activities as authorized by the permit. CDOT reserves the right to open the gate at any time as it deems necessary.

ii. Under no circumstances may the Permittee enter or leave the permitted area using the main traveled-way of the Right of Way. The removal of fences to facilitate ingress and egress to the State Highway Right of Way is strictly prohibited. CDOT is not responsible for providing access roads outside the Right of Way line. The Permittee shall be responsible for keeping all livestock off of the CDOT's Right of Way at all times. Parking, loading and/or off-loading of equipment on the paved shoulders of the Right of Way is prohibited. Permittees are not allowed to access the State Highway under any circumstances from the landscaped area. Modification to the prohibitions set forth herein may be allowed in extraordinary circumstances as approved by the Region Traffic Engineer, FHWA concurrence is also required when the requests is on the Interstate.

iii. Prior to approval and issuance of the landscape permit by the appropriate Regional Traffic Section Permitting Office, if the Permittee will be crossing over the established A-line, a license must be executed. A license allowing crossing of the A-line shall be included as an attachment to the landscaping permit. A request package to cross A-line must be prepared and submitted to the Property Management Section for approval of the crossing. Refer to the Approval Process as set forth within Section 7.8.6 below.

B. Utilities

The Permittee is responsible to ensure no damage occurs to existing utility and other installations that may be present on the Right of Way during landscaping activities. CDOT reserves the right to issue utility permits allowing installation of utilities in the State Highway Right of Way. The Permittee shall not interfere with these installations which will take precedence over any landscaping activity. If any utility installation destroys portions of the permitted landscaping CDOT shall have no liability to the Permittee for such damages.

C. Damage

The Permittee is responsible for reimbursing CDOT for the repair of any damage to fences, signs, delineators, guardrails, landscape plantings, or any other Right of Way improvements resulting from the Permittee's operations. The Permittee, his/her successors, or assignees shall hold CDOT and FHWA, its officers, or employees harmless from all costs, liabilities, expenses, suits, judgments, claims or actions brought by any person against CDOT and FHWA, its officers, or employees as a result of, or in connection with the permit, or the operation and performance hereunder by the Permittee, his/her agents, or employees. The Permittee, his/her successors, or assignees shall hold CDOT and FHWA, its officers, or employees harmless from all risk of injury or damage to Permittee, property of Permittee or others which may result from debris, foreign objects, or chemical contamination resulting from normal maintenance activities performed by CDOT. The Permittee is responsible for reimbursing CDOT for the repair and re-survey of any damage and disturbance to any survey monuments resulting from landscaping operations by the Permittee.

D. CDOT Need for Right of Way

Any permits or licenses in existence at the time construction begins, are deemed null and void or suspended at that time. Permits or licenses may be reinstated for the remaining period of the original permit upon completion of the construction.

CDOT will not replace or relocate any landscaping placed within the Right of Way if CDOT has to have it removed for any reason including, but not limited to: safety, maintenance, or construction.

i. Note: The remaining provisions of this section are not applicable to landscaping licenses for segments of Right of Way behind physical barriers, as set forth in Section 7.8.2; all operations shall be done in accordance with the terms, conditions, requirements, and guidance set forth in the permit itself.

E. Insurance

Evidence of insurance must be part of original submission package to the Region. A copy of the permit and proof of liability insurance in the amounts required shall be available on site while the work is being done and proof of liability insurance must be submitted annually to the permitting office for as long as the landscape permit is valid. Each Permittee must provide Comprehensive General Public Liability (PL), and Property Damage (PD) Insurance (minimum) for both the Permittee and any and all contractors the Permittee may use for landscaping activities.

i. Insurance requirements shall be as specified within Subsection 107.15 of the CDOT Standard Specification for Road and Bridge Construction 2010 or most recent edition. FHWA shall be listed as additional insured for Interstate permits.

F. Safety and Operations

Operations will be permitted during daylight hours only. If CDOT determines the landscaping operation is creating an undue safety hazard, all operations will cease until further notification to the Permittee.

i. The Permittee (including the Permittee's lessee or contractor) shall coordinate all landscaping activities with CDOT's local maintenance patrol. Permittee must provide or arrange for traffic control in accordance with MUTCD which shall include but not be limited to "Shoulder Work Ahead" or "Mowing Operations Ahead" signs. The Region's permit office and the local maintenance patrol Lead Worker or Supervisor shall monitor the landscaping operation for compliance with these conditions, the permit, and any environmental restrictions and shall be empowered to order an immediate cessation of all landscaping activities and the Right of Way cleared should any infractions be noted.

ii. While operating on Right of Way, landscaping equipment shall display flashing yellow lights and slow-moving vehicle placards. All traffic rules shall be complied with in conjunction with the landscaping operation.

iii. The Permittee shall not allow any person onto the Right of Way that is not contributing to the actual landscaping operation. The Permittee is responsible to ensure no damage or disturbance occurs to any existing survey monuments that may be present on the Right of Way during landscaping.

Operations will be permitted only when soil is dry enough to prevent rutting or damage to the Right of Way. The Permittee shall cease operations any time that dust and debris is blowing onto the highway, thus impairing visibility or traction for motorists. Operations may resume once conditions improve.

Permittee must maintain and cut the area around signs, improvements, and appurtenances as closely as possible. Upon completion of operations, the Right of Way shall be left in a clean and neat condition.

vi. Unattended equipment must be parked as near as possible to the Right of Way fence line, and may not be left unattended within thirty (30) feet of the Right of Way under any circumstances. All equipment shall be removed from the Right of Way at the end of each day landscaping activities are conducted. Equipment may not be stored overnight on the Right of Way.

vii. CDOT reserves the right to determine the quality and adequacy of the work by the Permittee under this agreement. The criteria shall be the State's current Level of Service Standard for this type of work. CDOT will notify the Permittee in writing of any deficiency in the work. Upon notice of any deficiency in the work, either: a) by CDOT; or b) by its own observation; or c) by any other means, the Permittee shall take action as soon as possible, but not later than 30 working days after the mailing date of such notice to correct the deficiency and to protect the safety of the traveling public. In the event the Permittee, for any reason, does not or cannot correct the deficiency within 30 working days, or demonstrate that action satisfactory to cure such default has been commenced and will be completed in a timely manner, or otherwise

demonstrated that no deficiency exists, CDOT reserves the right to correct the deficiency and to bill the Permittee for such work.

G. Performance Bond

As the landscaping will ultimately be a part CDOT's Right of Way, the Permittee is expected to maintain the landscaping in an acceptable manner. All landscape Permittees will be required to either provide a performance bond in an amount that will cover future maintenance requirements if the Permittee defaults, or any other acceptable surety instrument at the discretion of the CDOT Regional Traffic Engineer.

5. Applying for Issuance of a Landscaping License

The permit request shall be submitted to the appropriate CDOT Regional Traffic Section Office for initial review, necessary revisions, processing, and ultimately issuing the landscape permit. Each request shall contain the following information:

A. From applicant

i. The applicant's name, address, telephone number and email address;
ii. Description of the proposed landscaping to be performed (Sketch would be sufficient);
iii. Description of how and where the Permittee proposes to access the Right of Way;
iv. Detailed irrigation plans (if applicable).

B. CDOT will provide

i. Map and Plans of the proposed landscaping area to show location;
ii. Photo (if available) of the proposed landscaping area;
iii. Categorical Exclusion Determination Form (CDOT Form #128) (completed NEPA documentation may be used to expedite completion of this requirement).

An environmental clearance is required for all areas of the Right of Way for which an applicant is requesting a permit Categorical Exclusion Determination Form (CDOT Form #128). A permit may be granted excluding those sections of the requested Right of Way found to require environmental restrictions. In the process of clearing requested parcels, CDOT may delineate areas designated as "No Landscaping Allowed" to preclude work or driving equipment through areas that may be environmentally restricted. These areas will be delineated and marked by CDOT before any landscaping activities can take place and all environmental restrictions shall be delineated on the permit.

The granting of the landscape permit must clearly state that it conveys no right, title, or interest to the Permittee in the Right of Way.

6. Landscaping Requirements

Landscape designs, specific seed mixtures, type of plantings, etc. must be approved by the Region Landscape Architect, Environmental, Planning, Maintenance, Right-of-Way and Traffic Sections and shall meet the following criteria:

A. Xeriscape
Must follow the 7 Xeriscape Principles of Planting, and must be low water/native type plant material.

B. Landscaping and Plant Layouts Landscaping and plant layouts shall not be used for advertising.

C. Shading and Safety
Evergreen tree placement shall not be such that would cause shading/icing on CDOT roadways. Trees are allowed within the clear zone if behind existing guardrail (i.e. can't put guardrail up to put trees closer to road). Landscaping shall not inhibit the driver's sight distance.

D. Wildlife
No plant material that would entice wildlife or create a conflict between the wildlife and roadway is allowed.

E. Irrigation Requirements should be considered as follows:
i. Water taps, meters and backflow devices shall not be on CDOT Right of Way.
ii. The Local Agency shall provide water for irrigation purposes in the CDOT Right of Way landscaped features under this permit, at no cost to the State.
iii. No irrigation over-spray on the roadways.
Power sources for the irrigation clocks, and the clocks themselves, shall be off the CDOT Right of Way.
Mainline shall have a shut-off valve at the CDOT Right of Way line, on the highway side. Any irrigation line under an on/off ramp shall have a shut off valve on the upstream side of the ramp. All shut-off valve locations shall be clearly and visibly marked for CDOT.
vi. Mainlines shall be as far away from edge of pavement as possible and irrigate from the middle of the Right of Way to the edge of pavement (not from edge of pavement to middle of Right of Way).
vii. Applicants should consider "grit zone" in design considerations (i.e. 5'-10' zone next to roadway where no grasses or plant grow due to salt/sand/traffic).

7. Approval Process to Cross Access Control Line (Permits Only)
FWHA approval of changes and crossings of access control lines is required for all requests on Interstate and will be obtained through the Property Management Section. All approvals other than access control of the Interstate as related to landscaping in highway Right of Way has

already been obtained as part of the FHWA acceptance of this Section 8, of Chapter 7, of the CDOT Right of Way Manual. FHWA approval of changes and crossings of A-lines is considered a Federal Action that requires Environmental Clearance.
The provisions of this section contained hereinafter are not applicable to landscaping licenses for segments of Right of Way behind physical barriers, as set forth in Section 7.8.2; prior to the Region approving any landscape permit they shall obtain approval to cross any A-lines from the Property Management Section. The request shall include:

A. Legal description of the proposed landscaping area;

B. Pertinent related correspondence, including the applicant's contact information, and a detailed description of the proposed landscaping to be performed;

C. Detailed description of how and where the Permittee proposes to access the Right of Way;

D. Right of Way map with the proposed landscaping area clearly noted and highlighted;

E. Photo (if available) of the proposed landscaping area;

F. Environmental Clearance (CDOT Form #128 -Categorical Exclusion Determination);

G. Certificate of Insurance evidencing statutory limits and listing CDOT and FHWA (where applicable) as Additional Insured.

8. Permit Revocation
Any permit issued under these rules becomes null and void at any time the abutting land changes ownership if the permit is held by a private party. Any lessee or contractor of the Adjacent Landowner, performing work under a landscaping permit is subject to all provisions outlined in this Section 8.

A permit may be revoked, or renewal of a permit may be denied for the following reasons:
A. In the event CDOT determines that a Permittee is no longer entitled to the permit under any of the requirements set forth in this Section 8;

B. The Permittee is no longer the Adjacent Landowner;

C. The Permittee has violated the terms or conditions of the permit;

D. CDOT determines that the public health, safety or welfare is adversely affected by issuance or renewal of a permit. Should a permit be revoked or not renewed for any reason, the Permittee

shall, at his/her own expense, remove the gate and restore the fence to its original condition. If the Permittee does not accomplish this within 30 days, CDOT shall perform this task and bill the Permittee for the cost.

APPENDIX I

Reserved for future use

APPENDIX J

Various USADOT and FHWA Guidances

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION**: Destroyed Sign Guidance

Date: September 9,2009

From: Gerald Solomon, Esq.
Director, Office of Real Estate Services

In Reply Refer To: HEPR-20

To: Division Administrators
Director of Technical Services
Directors of Field Services
ATTN: Division and Federal Lands Realty Professionals

In 2008 the FHWA entered into an interagency agreement with the U.S. Institute for Environmental Conflict Resolution (Institute) in an effort to implement recommendations contained in the January 2007 Conflict Assessment: Federal Outdoor Advertising Control Program (Assessment). The Assessment was prepared by the Osprey Group of Boulder, Colorado and the Executive Summary included issues that were both important to stakeholders and having reasonable potential for agreement.

The Office of Real Estate Services worked with the Institute to determine how to implement recommendations in the Assessment and to identify what issues to examine first. After careful review of the Assessment report with the Institute we focused on the Acts of God/definition of "destroyed signs" issue as the first step for collaboration with stakeholders.

A representative group of stakeholders comprised of State outdoor advertising regulators, representatives of the Outdoor Advertising Industry and Scenic America was assembled by the Institute for a collaborative workshop in December 2008 that focused on developing a definition of "destroyed signs." With the help of a facilitator, the State and FHWA representatives developed a draft definition. The Scenic America representatives expressed support for the definition. While the Outdoor Advertising Industry did not support the definition they did commit to continued involvement in the collaboration.

It was agreed by FHWA that the draft definition would be discussed with the National Alliance of Highway Beautification Agencies and the Outdoor Advertising Technical Council of the AASHTO Right of Way & Utilities Subcommittee to allow for a further exchange of ideas from interested parties prior to issuing any further guidance. The need for

guidance was identified in the original Assessment because of the difficulty in addressing the destroyed sign provision of the Outdoor Advertising Regulations in 23 CFR 750.707(d)(6)(i). Additionally it appears some States may not have addressed this issue appropriately in their rules and regulations.

After extensive consideration and consultation as noted above we are providing the following guidance for your use in determining if the state has developed adequate criteria to define a destroyed sign.

> Destroyed" means that (a specified percentage*) or more of the upright supports of a sign structure are physically damaged such that normal repair practices would call for: in the case of wooden sign structures, replacement of the broken supports or, in the case of metal sign structures, replacement of at least (a specified percentage**) of the length above ground of each broken, bent, or twisted support.
>
> *A range of 40 to 60% would be considered effective control.
>
> **A range of 20 to 30% would be considered effective control.

Please review your State's outdoor advertising rules and regulations to see if they contain criteria to implement 23 CFR 750.707(d)(6)(i). If the State has criteria different from the above guidance, please ensure that it provides for effective control of destroyed signs

If you have any questions or comments on this guidance, please contact Ed Kosola by telephone (202) 493-0350 or e-mail Edward.Kosola@dot.gov.

Memorandum

U.S. Department
of Transportation
Federal Highway Administration

Subject: **INFORMATION**: Guidance on Bonus Act Repayments

Date: November 30, 2004

From: Susan Lauffer
Director, Office of Real Estate Services

Reply to Attn. of: HEPR

To: Directors of Field Services
Division Administrators
Attn: Division Realty Professionals

The purpose of this memorandum is to provide guidance for implementing existing policy under Title 23 Section 131 on the question of the process for State repayment of amounts received under the Bonus Act for control of outdoor advertising.

The Bonus Program is almost 40 years old, having originated in the Federal-aid Highway Act of 1958. Twenty-three States participate in the program, and their Federal-State Bonus Agreements remain in effect under the provisions of Title 23 USC Section 131(j). A considerable amount of sentiment has been expressed over the years about the difficulties States experience administering the Bonus Program. Many States have expressed support for rescission of the Bonus Program, a step that would require an act of Congress.

In recognition of the problems faced by the various States in controlling outdoor advertising under both the Bonus Program and the Highway Beautification Act of 1965 (HBA), FHWA proposed several modifications as part of the 1991 reauthorization process and in subsequent legislative cycles. Repeal of the Bonus Act was one such modification. Congress chose instead to emphasize the removal of illegal signs and provide Federal-aid funding for States to continue removal of non-conforming signs. Therefore, the Bonus Act and the binding requirements of the Federal-State Bonus Agreements remain in full force and effect.

Unless and until a statutory change is made, the only recourse available to a State that wishes to extinguish the control provisions imposed by the Bonus Act and its Federal-State Bonus Agreement is created by the terms of the Federal-State Bonus Agreement. That option is to repay funds received under the Bonus Program. The repayment of funds, although not popular, is the only course of action FHWA can offer at this time.

The scope of this repayment is addressed in each Federal-State Bonus Agreement in the section governing the failure of the State to perform its obligations under the Agreement. In some cases, like Iowa, repayment by segments is permitted by the terms of the Agreement. In other States, like Kentucky, the Agreement permits only a one-time, 100 percent repayment of all amounts received by the State under the Bonus Act. For States that elect not to enforce the Bonus Act, the action that triggers the repayment requirement is the act of allowing a sign to be erected or maintained in a location that is prohibited under the Bonus Act.

Three caveats are in order for States contemplating repayment. The first is that the money for Bonus payments originally was supplied from the General Fund, not from Title 23 entitlements [see 23 USC Sections 131(j) and (m)]. As a result, it appears that the Bonus monies received will have to be returned to the General Fund and may not be retained for Title 23 purposes. This repayment process will require coordination with FHWA fiscal personnel to assure that proper administrative controls are utilized.

The second caveat is that termination of control pursuant to the contractual repayment provisions of the Federal-State Bonus Act agreement does not affect the status of any easement acquired by a State to control outdoor advertising. If a State acquired such easements, then further guidance is required to address whether and how disposal of the easement rights can be accomplished.

The third caveat is that the repayment funds must come from the State, as the party required to enforce the Bonus Act and the Federal-State Bonus Agreement. Direct payment to FHWA from third parties, such as sign owners, is not permitted.

Where a State has authority to repay by project segment, it will be necessary for the FHWA Division to work with the State to determine whether the available Bonus payment records adequately define the project segment and the Bonus Program payments attributable to the segment. Where records are adequate to identify the amount paid for a particular segment, the calculation of the repayment amount should be based on the concept of returning the funds received for the affected segment. If adequate records are not available to define a segment or the amount paid under the Bonus Program, alternative methods must be used to calculate the repayment. In such cases, we encourage the Divisions to work with the Office of Real Estate Services on the best method for establishing logical termini for the repayment area. The goal will be to approximate the original project segment and related payments, keeping in mind the need to avoid arbitrary "carve-outs." In all cases, the provisions of the HBA of 1965 will remain in effect.

Because the repayment provisions are contained in the existing Federal-State Bonus Agreements, there is no decision to be made by FHWA and the repayment action does not require analysis or review under the National Environmental Policy Act. However, there often are high levels of local governmental, community and interest group, and industry concern about outdoor advertising signs and the administration of the outdoor advertising control program. We recommend that Divisions encourage States to include some type of public involvement in their decision-making process if termination of Bonus Act controls is considered.

Questions on this guidance may be directed to Janis Gramatins at (202) 366-2030 or (e-mail Janis.Gramatins@fhwa.dot.gov), or Janet Myers at (202) 366-2019 or (e-mail Janet.Myers@fhwa.dot.gov).

Distribution:
HEP-1
HCC-2
HCC-Black
DFS-W

To: Mike LaPietra, Iowa Division
From: Catherine O'Hara, Outdoor Advertising Control Specialist
Office of Real Estate Services
Date: August 6, 2007

This is to provide feedback to your July 2007 request to review the proposed changes to Iowa Code to adopt new definitions for "development directory signs."

In 2005, we responded to a similar issue in Arizona regarding the definition of on premise signs. Similar to Iowa, the intent in Arizona was to permit the display of individual business unit signs on any part of a large property that is jointly owned and marketed, whereby all of the owners have the right to use common areas, such as parking. Such developments would include situations where there are multiple businesses and multiple ownerships. With the new Iowa definition signs advertising the activities conducted within that comprehensive "development" would be on-premise signs and exempt from controls under the HBA.

The FHWA agrees, in concept, that it is possible for multiple commercial or industrial businesses or activities developed as a "unified commercial development" (hereinafter referred to as "UCD") to be viewed as a single premises for HBA purposes under certain conditions. The UCD criteria include:

1. There is a common development and ownership plan that includes common and/or limited common areas such as sidewalks, roadways, gardens, parking, storage, and service areas, to which all constituent businesses have irrevocable shared ownership and use rights, and for which they have irrevocable shared obligations.

2. The UCD operates through an underlying common association or other entity, actively managed and maintained, through which all owners have irrevocable rights and obligations with respect to the UCD and its common/limited common areas.

3. The contiguity requirement is met because no part of the development is separated from the other part(s) by a controlled route, as defined in 23 USC §131. All parts of the UCD are on the same side of a controlled route and are contiguous except for roadways or driveways that provide access to the development and are not themselves controlled routes.

4. The UCD and its constituent businesses hold themselves out to the public as a common development through their signage and other marketing efforts.

5. The "common areas" or "limited common areas" of the UCD have necessary and true value to the constituent businesses' regular operations. That is, common areas are not created purely for the purpose of establishing eligibility for on-premise signing or other non-operational purposes.

A development that involves merely reciprocal easements or use agreements among individual properties would not meet the UCD test. The significant difference we are recognizing with UCDs is that, based on the characteristics discussed above, a UCD satisfies the primary intent underlying the concept of on-premise signs. Similarly, if the owners in a UCD were to subdivide the UCD into individual lots that do not meet the above criteria, that action would destroy the basis for defining activities as a single "premises" for sign control purposes.

Thank you for the opportunity to comment. If the new definition is implemented as outlined above, the FHWA feels the language of the proposed code revision would not conflict with the HBA. As indicated above, it will be important for the application of any such code to meet the intent of the HBA as well. The Office of Real Estate Services suggests that Iowa Division continue to monitor the implementing regulation to assure it is implemented in conformance with the criteria above.

Questions on this guidance may be directed to Catherine O'Hara at (202) 366-9901.

HQ RESPONSE DRAFT

INFORMATION: Arizona Bill - On-property Advertising Signs

March 31, 2005

Susan Lauffer
Director, Office of Real Estate Services

HEPR-1

Robert E. Hollis
Arizona Division Administrator

The purpose of this memorandum is to provide feedback to your February 16, 2005 request to Robert Black of our Chief Counsel's office (HCC) on pending Arizona legislation affecting "on-premise" signs. The intent of that legislation appears to be to permit the display of individual business unit signs on any part of a large property that is jointly owned and marketed. HCC may have some additional points later, but we believe that the main issues discussed here are our mutual concerns and due to the pressure of time to respond to these legislative proposals, we are sending this preliminary evaluation and suggestions for legislative language accuracy improvements. We have been working closely with Mr. Black and Layne Patton of your Division to evaluate this proposed legislation. We are available to work with your Office on further developments, as this issue may have substantial national Outdoor Advertising Control implications.

BACKGROUND

The Highway Beautification Act (HBA) provides that on-property signs must advertise activities conducted on the property on which they are located. The term "property" is not specifically defined in the HBA and the Federal Highway Administration (FHWA) has considered that the terms "property" and "premises" under the HBA mean, at a minimum, land that is under the same ownership and has contiguity. Under 23 CFR 750.709(d), States are to establish criteria to determine which signs meet the on-premise or on-property exemptions. State and local controls may be more restrictive than the Federal law, but not less restrictive.

As FHWA understands Arizona House Bill 2462 of the First Regular Session of the 47th Legislature, the pending legislation proposes to define as a single "property" or "premises" for purposes of sign control laws any comprehensive development that has a common ownership plan, whereby all of the owners have the right to use all common areas such as parking. Such developments would include situations where there are multiple businesses and multiple ownerships. Under the proposal, any signs advertising the activities conducted within that comprehensive development would be on-premise signs and exempt from controls under the HBA. State and local laws or regulations might apply, but the Federal HBA interest would not exist.

The FHWA agrees, in concept, that it is possible for multiple commercial or industrial businesses or activities developed as a "unified commercial development" (hereinafter referred to as

"UCD") to be viewed as a single premises for HBA purposes under certain conditions. The UCD criteria would include:

1. There is a common development and ownership plan that includes common and/or limited common areas such as sidewalks, roadways, gardens, parking, storage, and service areas, to which all constituent businesses have irrevocable shared ownership and use rights, and for which they have irrevocable shared obligations.

2. The UCD operates through an underlying common association or other entity, actively managed and maintained, through which all owners have irrevocable rights and obligations with respect to the UCD and its common/limited common areas.

3. The contiguity requirement is met because no part of the development is separated from the other part(s) by a controlled route, as defined in 23 USC §131. All parts of the UCD are on the same side of a controlled route and are contiguous except for roadways or driveways that provide access to the development and are not themselves controlled routes.

4. The UCD and its constituent businesses hold themselves out to the public as a common development through their signage and other marketing efforts.

5. The "common areas" or "limited common areas" of the UCD have necessary and true value to the constituent businesses' regular operations. That is, common areas are not created purely for the purpose of establishing eligibility for on-premise signing or other non-operational purposes.

A development that involves merely reciprocal easements or use agreements among individual properties would not meet the UCD test. The significant difference we are recognizing with UCDs is that, based on the characteristics discussed above, a UCD satisfies the primary intent underlying the concept of on-premise signs. Similarly, if the owners in a UCD were to subdivide the UCD into individual lots that do not meet the above criteria, that action would destroy the basis for defining activities as a single "premises" for sign control purposes.

The FHWA believes there are some areas of the proposed legislation, as passed by the House, that appear to be inconsistent with the Federal requirements described above. Suggested revisions to the legislation's proposed definitions of "comprehensive development" and "scheme of common ownership" that the FHWA believes would help eliminate the potential conflicts appear below. These suggestions are provided with the caveat that action by the Arizona Legislature in adopting revised language will not remove the need for the State to interpret and apply the law in a manner that is consistent with the HBA.

1. Section 28-7901, Subsection 2(a): Remove the word "primarily" and add *"approved as a common plan of development and operation by an authorized zoning authority."* The sentence

would read "*The activity is comprised of individual commercial or industrial activities approved as a common plan of development and operation by an authorized zoning authority.*"

The suggested revision would clarify the unified nature of the common development. This change also would resolve an implication in the pending legislation that a UCD could include residential uses. If there were, for example, apartment complexes within a large retail area, such residential areas could not be deemed as part of the commercial or industrial development.

2. Section 28-7901, Subsection 2(b): Replace the word "highway" with the term "*controlled route*" and add a definition for a "controlled route." The revised sentence would read *"only on one side of a controlled route."* The new definition would read as follows:

> "*Controlled route*" means any freeway, highway, roadway or street located in this state that has been officially designated by the board and approved by the United States Secretary of Transportation, under Title 23 of the United States Code, as a part of the Federal Interstate System, the Primary System as of June 1, 1991, or the National Highway System, as described in the Federal Highway Beautification Act, 23 USC §131, as amended.

The FHWA suggests this revision because of apparent conflicts among terms and definitions appearing in the pending legislation and existing Arizona law. In the pending bill, the definition of "comprehensive development" in 2(b) says that such development is located "only on one side of the highway." However, in 2(c), the bill provides that the development can contain "roadways or driveways, whether public or private, that provide access to the development." In Arizona Revised Statutes Section 28-101(52), a highway and a street have the same meaning. This situation could result in confusions and inconsistent application of the legislation, if adopted.

3. Section 28-7901, Subsection 2(f): Change the word "scheme" to the phrase "*an approved plan.*" The revised sentence would read: "*The activity has an approved plan of common ownership that actively provides for the management and maintenance of common areas within the development.*"

This revision would help reinforce the required relationship between individual owners and the development as a whole.

4. Section 28-7901, Subsection 2(g): Add *"necessary"* to the subsection (iii) term "storage and service areas." This portion would read: *"necessary storage and services areas."* Also remove subsection (iv), "streets." Also add at the end of the phrase "...or to be used or occupied for the activity...." the phrase "*that has been approved by the authorized zoning authority.*" The revised sentence would read *"The premises includes all land used or to be used or occupied for the activity that has been approved by the authorized zoning authority."*

The FHWA suggests these modifications to clarify that the development components must be integrated parts of the constituent businesses' operations, and that the entire UCD must be

approved as a UCD by the local zoning authority. Uses of land that serve no reasonable or integrated purpose related to the primary business operations, especially those that may be merely an attempt to qualify the land for signing purposes, are not part of a legitimate UCD. With respect to the deletion of "streets," a sign would not be placed in a street within a development for safety reasons.

5. Section 28-7901, Subsection 10: Replace the word "Scheme of common ownership" with *"Approved plan of common ownership"* and revise the definition to read:

> "*Approved plan of common ownership*" means a comprehensive or master plan that establishes a cohesive commercial or industrial development involving land ownerships that are a part of a larger commercial planned development, and has an underlying common association or other entity responsible for common elements, and all the owners have recorded irrevocable rights and obligations with respect to all common areas, and such development has been approved by the authorized zoning authority.

Thank you for the opportunity to provide comments. If the suggested modifications are implemented, the FHWA feels the language of the proposed legislation would not conflict with the HBA. As indicated above, it will be important for the application of any such law to meet the intent of the HBA as well. The Office of Real Estate Services suggests that Arizona Division continue to review the law and assist in developing implementing regulations with their State counterparts if the legislation is enacted. We are available to assist in the review process.

Questions on this guidance may be directed to Janis Gramatins at (202) 366-2030 (e-mail Janis.Gramatins@fhwa.dot.gov), or Janet Myers at (202)-366-2019 (e-mail Janet.Myers@fhwa.dot.gov).

Distribution:
HEP-1 HCC-2 HCC-Black
Reading File
Janet Myers
Becky Bennett
John Turpin
Janis Gramatins

HIGHWAYS, BRIDGES AND FERRIES: OUTDOOR ADVERTISING IN SIGHT OF PUBLIC HIGHWAYS.

Class 2, on-premises signs requirements apply to those signs adjacent to interstate, national highway system or federal-aid primary highway; three additional requirements limiting number, location and type of advertisement apply to such signs located adjacent to and within 660 feet of interstate highway.

The Honorable Kevin G. Miller

Member, Senate of Virginia

January 25, 1996

You ask whether the provisions of § 33.1370 of the *Code of Virginia* pertaining to Class 2, on-premises signs are applicable to signs located adjacent to highways that are part of any national highway system and federal-aid primary highway or only to signs located adjacent to any interstate highway.[1]

You note that the term "interstate" is used four times without the terms "national highway system" or "federal-aid primary highway" within the Class 2, on-premises signs requirements in § 33.1370. You also note that throughout the remainder of § 33.1370, the term "interstate" is used in conjunction with the terms "national highway system" or "federal-aid primary highway."

Section 33.1370(A) does not permit any sign to be erected that is visible from and adjacent to (within 660 feet) an interstate, national highway system or federal-aid primary highway, except as permitted by § 33.1370(B). An on-premises sign, however, that is "located adjacent to and within 660 feet of any interstate highway" is subject to three additional requirements enumerated in § 33.1370(B).

It is well-settled that "[i]f the language of a statute is plain and unambiguous, and its meaning perfectly clear and definite, effect must be given to it."[2] It is unnecessary to resort to any rules of statutory construction when the language of a statute is unambiguous.[3] In those situations, the statute's plain meaning and intent govern. It is clear, and consequently it is my opinion, that the requirements of § 33.1370(B) pertaining to Class 2, on-premises signs apply to those signs adjacent to any interstate, national highway system or federal-aid primary highway, and that there are three additional requirements that apply to such signs "located adjacent to and within 660 feet of any interstate highway."

[1]Section 33.1370 provides, in part:

"A. Notwithstanding the territorial limitation set out in § 33.1353, *no sign or advertisement adjacent to any interstate, national highway system, or federal-aid primary*

highway shall be erected, maintained or displayed which is visible from the main traveled way within 660 feet of the nearest edge of the right-of-way, *except as provided in subsection*[ ] *B* ... of this section[.]

"B. The following signs, advertisements or advertising structures may be erected, maintained and displayed within 660 feet of the right-of-way of *any interstate, national highway system, or federal-aid primary highway*:

***

"Class 2-On-premises signs.-Signs not prohibited by other parts of [Article 1, Chapter 7 of Title 33.1, e.g., signs listed in § 33.1369] which are consistent with the applicable provisions of this section and which advertise the sale or lease of, or activities being conducted upon, the real property where the signs are located; provided, that any such signs, which are located adjacent to and within 660 feet of any interstate highway and do not lie in commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the Interstate System is subject to municipal regulation or control, or in areas where land use as of September 21, 1959, was clearly established by state law as industrial or commercial, shall comply with [three additional requirements limiting number and location of, and type of advertisement appearing on, such on-premises signs]." (Emphasis added.)

[2]*Temple v. City of Petersburg*, 182 Va. 418, 423, 29 S.E.2d 357, 358 (1944); *see also* 1993 Op. Va. Att'y Gen. 256, 257.

[3]*See Ambrogi v. Koontz*, 224 Va. 381, 386, 297 S.E.2d 660, 662 (1982); 1993 Op. Va. Att'y Gen. 99, 100.

U.S.Department
of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION**: Destroyed Sign Guidance

Date: September 9,2009

From: Gerald Solomon, Esq.
Director, Office of Real Estate Services

In Reply Refer To: HEPR-20

To: Division Administrators
Director of Technical Services
Directors of Field Services
ATTN: Division and Federal Lands Realty Professionals

In 2008 the FHWA entered into an interagency agreement with the U.S. Institute for Environmental Conflict Resolution (Institute) in an effort to implement recommendations contained in the January 2007 Conflict Assessment: Federal Outdoor Advertising Control Program (Assessment). The Assessment was prepared by the Osprey Group of Boulder, Colorado and the Executive Summary included issues that were both important to stakeholders and having reasonable potential for agreement.

The Office of Real Estate Services worked with the Institute to determine how to implement recommendations in the Assessment and to identify what issues to examine first. After careful review of the Assessment report with the Institute we focused on the Acts of God/definition of "destroyed signs" issue as the first step for collaboration with stakeholders.

A representative group of stakeholders comprised of State outdoor advertising regulators, representatives of the Outdoor Advertising Industry and Scenic America was assembled by the Institute for a collaborative workshop in December 2008 that focused on developing a definition of "destroyed signs." With the help of a facilitator, the State and FHWA representatives developed a draft definition. The Scenic America representatives expressed support for the definition. While the Outdoor Advertising Industry did not support the definition they did commit to continued involvement in the collaboration.

It was agreed by FHWA that the draft definition would be discussed with the National Alliance of Highway Beautification Agencies and the Outdoor Advertising Technical Council of the AASHTO Right of Way & Utilities Subcommittee to allow for a further exchange of ideas from interested parties prior to issuing any further guidance. The need for

guidance was identified in the original Assessment because of the difficulty in addressing the destroyed sign provision of the Outdoor Advertising Regulations in 23 CFR 750.707(d)(6)(i). Additionally it appears some States may not have addressed this issue appropriately in their rules and regulations.

After extensive consideration and consultation as noted above we are providing the following guidance for your use in determining if the state has developed adequate criteria to define a destroyed sign.

> Destroyed" means that (a specified percentage*) or more of the upright supports of a sign structure are physically damaged such that normal repair practices would call for: in the case of wooden sign structures, replacement of the broken supports or, in the case of metal sign structures, replacement of at least (a specified percentage**) of the length above ground of each broken, bent, or twisted support.
>
> *A range of 40 to 60% would be considered effective control.
>
> **A range of 20 to 30% would be considered effective control.

Please review your State's outdoor advertising rules and regulations to see if they contain criteria to implement 23 CFR 750.707(d)(6)(i). If the State has criteria different from the above guidance, please ensure that it provides for effective control of destroyed signs

If you have any questions or comments on this guidance, please contact Ed Kosola by telephone (202) 493-0350 or e-mail Edward.Kosola@dot.gov.

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION**: Non-conforming Outdoor Advertising Signs Destroyed by Natural Disasters

Date: MAR 10 2005

From: Susan B. Lauffer
Director Office of Real Estate Services

Reply to Attn. of: HEPR

To:
Mr. Bobby W. Blackmon
Division Administrator
Nashville, Tennessee

The purpose of this memorandum is to concur with the Tennessee Division's decision to work with the Tennessee Department of Transportation (TDOT) to achieve compliance with the prohibition against the reconstruction of storm-damaged non-conforming signs. This concurrence is consistent with previous guidance on this question, as most recently reaffirmed via my email to Division Realty Professionals on September 23, 2004, that the Highway Beautification Act (HBA) prohibits the reconstruction of non-conforming billboards that are destroyed by hurricanes, fires, winds, or other acts of God. While the definition of what is destroyed rests on the State's outdoor advertising control regulations, a regulation that is designed to circumvent the reconstruction prohibition would not comply with the HBA. The passage of time since Tennessee's adoption of a non-conforming regulation does not relieve the State of its obligations under the HBA and Federal-State Agreement.

BACKGROUND

The Tennessee Legislature enacted the current Tennessee State Rule 1680-2-3-.04 stating:

> A non-conforming device or grandfathered non-conforming device will be allowed to be rebuilt in the case of natural disaster. Non-conforming and grandfathered non-conforming devices destroyed or damaged during a natural disaster may be rebuilt to their original height and size using like materials.

ANALYSIS

Congress adopted the HBA with the finding that "erection and maintenance of outdoor advertising signs...should be controlled" to protect the public investment in highways, to promote safety and recreational value, and to preserve natural beauty. Consequently, the Federal Highway Administration's (FHWA) regulations on outdoor advertising include provisions on maintenance of non-conforming signs. At Title 23 of the Code of Federal Regulations (CFR) §750.707(d)(6), there is a prohibition on the re-erection of destroyed, abandoned or discontinued signs except in instances of vandalism or other criminal or tortuous acts. Each State is required to develop criteria to define destruction, abandonment and discontinuance.

BUCKLE UP AMERICA

According to 23 CFR §750.705(j), FHWA has the authority and responsibility to determine the reasonableness of the criteria of destruction set by the State. This authority was upheld in South Dakota v. Volpe, 353 F. Supp.535 (D.S.D. 1973). In its decision, the court noted that "Congress never intended to [subordinate] the [HBA]'s stated purpose to arbitrary actions taken by the individual State legislatures." South Dakota v. Volpe at 340. According to the attached FHWA Memorandum dated July 20, 1999:

> The intent of allowing non-conforming signs to remain in place, has been with the view that if such signs are not purchased, they would eventually be eliminated through natural causes. If a sign is "destroyed" it would cease to exist and therefore lose its non-conforming status and not be allowed to be re-erected.

When the HBA regulations were promulgated in 1975, the FHWA specifically considered the question of whether acts of God should be an exception for destroyed signs:

> "Comments were made with regard to §750.707(d)(6) that the exceptions allowed should also include acts of God as they too constitute events beyond the sign owner's control. No change has been made. The exceptions made for vandalism and other criminal or tortuous acts were due solely to the fact that the Highway Beautification Act of 1965, Pub. L. 89-295, October 22, 1965, created an impetus for unauthorized persons to deliberately chop down or vandalize signs as a part of the environmental movement. Such a practice is not condoned. However, non-conforming uses are terminated by natural attrition in the normal course of events. Thus, a non-conforming sign destroyed or substantially damaged by an act of God is terminated because it would need to be rebuilt or a new sign would have to be erected in its place. New signs, or substantially new signs, must be located in conforming areas. To allow new signs to be erected in a non-conforming area only to be later acquired by the State would unduly burden the taxpayers with an unwarranted cost."
> 40 Fed.Reg. 42,843 (Sept. 16, 1975).

Therefore, the Office of Real Estate Services in consultation with the Office of Chief Counsel of the FHWA concurs with the Division's assessment that Tennessee's State Rule 1680-2-3-.04 is not in conformance with 23 CFR §750.707(d)(5) and (6), nor is it in conformance with the Tennessee Federal-State Agreement, 23 USC §131 and 23 CFR §750.705(h) for effective control.

Tennessee Rule 1680-2-3-.04 is inconsistent with the purpose of the Tennessee Federal-State agreement "to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the National policy to protect...." It provides a lesser degree of control of outdoor advertising than the Federal law because it is much less restrictive than the minimum requirements of the Federal regulations. The Tennessee rule, if applied, raises a question whether the TDOT is maintaining effective control. Failure to exercise effective control may subject the State to a sanction of up to 10 percent of its apportioned Federal funds.

A concern has been raised about the time elapsed since Tennessee's adoption of the rule. The State has the responsibility under its Federal-State Agreement to adhere to the HBA as amended and its implementing Regulations. The Federal-State Agreement and the HBA requires the State to maintain effective control, regardless of when specific Federal oversight is provided. The Division should direct TDOT to work with the Tennessee Legislature to resolve this conflict.

Questions on this matter may be directed to Marshall Wainright at (202) 366-4842 (email Marshall.Wainright@fhwa.dot.gov) or Janis Gramatins at (202) 366-2030 (e-mail Janis.Gramatins@fhwa.dot.gov).

Attachment

Memorandum

U.S. Department
of Transportation
Federal Highway Administration

Subject: **INFORMATION**: Guidance on Adjustment of of Non-conforming Outdoor Advertising Signs

Date: MAR - 8 2005

From: Susan Lauffer
Director, Office of Real Estate Services

Reply to Attn. of: HEPR-1

To: Directors of Field Services
Division Administrators
ATTN: Division Realty Professionals

The purpose of this memorandum is to provide guidance on the question whether non-conforming signs may be adjusted where action by the State transportation agency obstructs visibility of the sign from the highway. Consistent with previous guidance on this question, the provisions of the Highway Beautification Act (HBA) and its implementing regulations do not permit such adjustments to non-conforming outdoor advertising signs.

BACKGROUND

With the broader use of noise walls around the country, the conflict between the HBA prohibition against substantial improvement of non-conforming signs and sign owners' demands to maintain sign visibility is arising with increasing frequency. Sign owners typically argue that their investment in the signs, and the economic benefits that flow from the signs, are unfairly lost if a State does anything to inhibit the effectiveness of the signs. Some States see this as a problem of growing significance, with implications for projects involving noise walls, grade changes, and road widening. At least one State perceives a risk that litigation may result in financial liability and in the establishment of a legal "right-to-be viewed" for outdoor advertising signs. That State proposed that the FHWA consider classifying non-conforming sign height adjustments in noise wall cases as an allowable "customary maintenance" activity.

The States where this issue recently arose indicated that sign owners affected by this situation are citing State laws and practices in other States, including an incident in one State where sign height adjustments occurred and the FHWA did not initiate an enforcement action. However, in that unique case, the signs in question became non-conforming as a result of a project location decision. The FHWA concluded that if there had been better coordination between the State and the sign owners about the impacts of the project design, the signs legally could have been raised before they became non-conforming. The FHWA determined that "turning back the clock" to permit adjustment of those signs was an equitable outcome in that case. That special situation raised different issues than the question of permitting adjustments to already non-conforming signs.

ANALYSIS AND GUIDANCE

The purpose of the HBA is to control the erection and maintenance of outdoor advertising signs in areas adjacent to the Interstate System and primary system "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." 23 USC Section 131(a). Under the HBA, the use of highway rights-of-way for sign viewsheds is anticipated. However, it is not an unqualified use, and preservation of the sign viewshed within the highway right-of-way cannot be permitted to trump the needs of the highway. The HBA reaches out to regulate adjacent property for the good of the highway facility and its users, not vice versa. It is clear that the creation of a highway corridor is not intended to create any rights in adjacent property owners that are fundamentally at odds with the safe and efficient operation and maintenance of the highway facility.

Current FHWA regulations permit a non-conforming sign to remain "at its particular location for the duration of its normal life subject to customary maintenance." 23 CFR 750.707(c). The intent of the HBA is to permit a non-conforming sign to continue in place until it is destroyed, abandoned, or discontinued, or is removed by the State (which can use 75 percent Federal funding for the removal of the sign). A non-conforming sign must "remain substantially the same as it was on the effective date of the State law or regulations" adopted to implement the HBA. 23 CFR Section 750.707(d)(5). A height increase is an expansion and improvement of a sign. In addition, increasing sign height to clear a noise wall typically will require new structural measures, such as use of a monopole design, that would be inconsistent with the concept of limiting non-conforming signs to the duration of their normal lives.

State definitions of "customary maintenance" must not exceed the limits allowed by the Federal statutes and regulations. Height adjustments could come within the term "customary maintenance" if the State could demonstrate that its long-established and regular practices previously included allowing alterations to non-conforming sign height to accommodate changes in surrounding conditions. The FHWA believes such a result is unlikely, especially in view of the language in 23 CFR 750.707(d)(5).

The FHWA acknowledges the States' concern about the possibility that a court may determine that refusal to permit a change in the height of a non-conforming sign is a taking. If such event occurs, then that State will face a decision whether to pay to acquire such signs as a part of its projects. In such instances, the potential acquisition cost for those signs becomes an element in project decision-making just like other aspects such as noise protection and project alignment.

If a State fails to comply with the non-conforming sign provisions of the HBA, it will become necessary to evaluate whether the State is maintaining effective control. The Office of Real Estate Services suggests that the FHWA Divisions review this situation with their State counterparts to determine the status of this issue within the State and whether any corrective action is required.

Questions on this guidance may be directed to Janis Gramatins at (202) 366-2030 (e-mail Janis.Gramatins@fhwa.dot.gov), or Janet Myers at (202)-366-2019 (e-mail Janet.Myers@fhwa.dot.gov).

Wade, Bill
<FHWA@fhwa.dot.gov>

11/14/00 09:56 AM

To: Juanice Hagan/CO/FDOT@FDOT
cc:
Subject: Re: Catwalks added to nonconforming signs

Jaunice:
We have talked about this issue over here and also below is an e-mail from Marsha in response to your inquiry. The bottom line is we don't really have a problem with the catwalks. Please let me know if you feel this issue deserves additional attention.

Bill Wade
==========

Bill,

I received the cc of your e-mail to Juanice Hagan on catwalks. In 1995 Steve Fennel sent in a similar question to Bob Harter. I found Bob's response and have attached it for you. FHWA has not issued any guidance with regard to catwalks. The determination of reasonable maintenance and the determination of when customary maintenance ceases and a substantial change has occurred is the State's determination (23 CFR 750.707 (d) (5).

We do not have an issue with catwalks for the purpose of safety on nonconforming signs and do not consider that a substantial change.

Where safety is concerned we would encourage the State to make allowances. The fact that the State had their engineering office evaluate the signs and determined that the addition of a catwalk does not enhance the structure of the billboard or prolong it's life, indicates that Florida is operating well within 23 CFR 750.707 (d) (5).

If I can be of further assistance, let me know.

From: Harter, Robert (RHARTER)
To: FH04FL:SFENNEL
Date: Tuesday, June 6, 1995 7:04 am
Subject: [redacted]

Steve:

You asked the following questions by FAX concerning the addition of hand railings to nonconforming signs to prevent employees from falling off the catwalks and platforms. Our answers are as follows:

QUESTION NO. 1 - Has FHWA issued any direction on how to respond to OSHA violations issued for nonconforming signs?

ANSWER NO. 1 - No. FHWA has not issued any direction in this regard since we have not been aware of this requirement of the Occupational Safety & Health Administration (OSHA).

QUESTION NO. 2 - Would the addition of hand railings required by OSHA to nonconforming signs be considered a substantial change?

ANSWER NO. 2 - This determination would be up to the State as provided in 23 CFR 750.707(d)(5). Reasonable repair and maintenance of a nonconforming sign, including a change of advertising message is not a change which would terminate nonconforming rights. We would hope that the State would consider the addition of hand railings for safety purposes as required by OSHA to also not be a substantial change.

Bob

June 6, 1995
F:\HOME\RHARTER\DOCS\HANDRAIL.FL

CC: FH08SD:HHOKENSTAD, FLUCKOW

Bob Harter - FHWA Headquarters

605 Suwannee Street, Mail Station 22
Tallahassee, Florida 32399
(850) 414-4605
SC 994-4605

Office of Right of Way – Central Office

Memo

To: District Outdoor Advertising Administrators

From: Juanice M. Hagan, Assistant State R/W Manager, Operations

CC: K. Towcimak, District R/W Managers, J. Garner

Date: 12/11/00

Re: Position of FHWA Regarding Fall Protection Devices on Nonconforming Billboards

We have recently received clarification from the Federal Highway Administration concerning the issue of adding a catwalk or other fall protection device to a nonconforming sign for safety purposes.

Based on their guidance, a permit holder may add a catwalk or other fall protection device to a nonconforming sign when necessary to provide for worker safety, provided such addition does not increase the structural integrity of the sign or prolong the life of the sign. In addition, the permit holder may use materials that are standard for the industry in making such modification (i.e., a steel catwalk can be added to a wooden sign; bracing required to support the catwalk to the poles is permitted, etc.).

We have discussed this issue with several structural engineers (both within the Department and in private practice), and the consensus is that the addition of a catwalk (whether it be wood or steel) or other fall protection device does not necessarily add to the life of the sign nor enhance the structure.

We are currently in the rulemaking process for Rule 14-10, F.A.C., and this revised policy on nonconforming signs will be included in the rule revisions. We anticipate it will take at least six (6) months to go through rulemaking.

Effective immediately, no violation notices should be issued for nonconforming signs when only a catwalk or other fall protection device has been added. If additional modifications are discovered (such as lighting packages for signs not previously having lights, a change to the footers, additional reinforcement of poles, etc.), please discuss with Central Office prior to issuing an NOV.

Our office will be notifying permit holders of this clarification (see attached). We will encourage them to notify the Department before a catwalk or other fall protection device is added; however, we have no statutory authority to require that such notification be given.

While we do not know how many permit holders will add fall protection devices, we anticipate some of the larger billboard companies will immediately begin making such modifications. Elier Media has already made a corporate decision to add catwalks to bring their boards into compliance with OSHA standards.

For signs that are modified in this regard, please ensure your inspectors get a photograph of the sign loaded in the ODAIMS database.

If you have questions, please contact Lynn or me.

/jh
Attachment

Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, Florida 32399-0450

THOMAS F. BARRY, JR.
SECRETARY

December 14, 2000

NOTICE TO ALL OUTDOOR ADVERTISING PERMIT HOLDERS

If you are the holder of a permit for a "nonconforming sign" in Florida, we want you to be aware of recent developments that may affect your sign.

Section 14-10.007, Florida Administrative Code, restricts modifications to nonconforming signs except for message changes and routine maintenance of the structure.

Recently, the Federal Highway Administration provided clarification to the Department on the addition of fall protection devices to nonconforming signs, as well as the size of sign facings. Based on this clarification, the Department advises as follows:

(1) A catwalk or other fall protection devices may be added to a nonconforming sign when necessary to provide for worker safety, provided such addition does not increase the structural integrity of the sign or prolong the life of the sign. Fall protection devices may be constructed of materials that are standard for the industry (i.e., a steel catwalk can be added to a wooden sign). The Department should be notified of the addition of the fall protection device prior to modification.

(2) A reduction in the area of the sign facing of a nonconforming sign will be permitted when such alteration is required by the local government with jurisdiction over the sign, provided: (a) like materials are used; and (b) no modifications are made to the structural materials of the sign. In order to qualify for this exception, the Department must be provided official documentation from the local government supporting the need for the change prior to the modification.

The Department will initiate the process of making these revisions to Rule 14-10, Florida Administration Code. Beginning immediately, the Department will not issue notices of violation for the above referenced modifications.

If you want to check the conformity/nonconformity status of your permit(s), you may do so on the Department's Internet web site at http://www2.dot.state.fl.us/RightOfWay/dbhome.asp or you may contact either the Central Office in Tallahassee or the District Office within your area. The District and Central Office locations and telephone numbers are listed below.

OFFICE	LOCATION	TELEPHONE NUMBER
Central Office	Tallahassee	(850) 414-4545
District One	Bartow	(863) 519-2459
District Two	Lake City	(904) 961-7407
District Three	Chipley	(850) 638-0250
District Four	Ft. Lauderdale	(954) 777-4377
District Five	Deland	(904) 943-5022
District Six	Miami	(305) 769-6152
District Seven	Tampa	(813) 975-6064

Outdoor Advertising Office
Florida Department of Transportation

MEMORANDUM

FLORIDA DEPARTMENT OF TRANSPORTATION
OFFICE OF RIGHT OF WAY MAIL STATION 22 PHONE 488-3661

DATE: October 16, 1995

TO: District Right of Way Managers
District Maintenance Engineers, Districts 4 & 6

FROM: Kenneth M. Towcimak, Director, Office of Right of Way

COPIES: Bill Deyo, John Garner, Caroline Fleurissaint, District Outdoor Advertising Administrators, Pam Leslie, Paul Sexton

SUBJECT: RE-CONSTRUCTION OF METAL OUTDOOR ADVERTISING SIGNS TO COMPLY WITH OSHA SAFETY REQUIREMENTS

The Occupational Safety and Health Administration (OSHA) recently defined an outdoor advertising sign as a "work place" within the meaning of Federal worker safety requirements and violation citations have been issued requiring correction. Safety problems occur only with regard to metal signs, since the sheets of advertising copy must be attached on that type of sign from the back of the sign face. Most previously erected metal signs were not designed with the OSHA required safety features. Accordingly, outdoor advertising companies are conducting maintenance on metal outdoor advertising signs for the purpose of adding the required safety features to the sign. The addition of such safety features as inside walkways between the sign faces may change the appearance of the signs slightly when viewed down the side, but the general appearance of the structure should remain the same.

You are cautioned to be alert to this type of maintenance activity. There should be NO changes to the structure that would terminate the nonconforming status of any such signs that are presently designated nonconforming.

Conforming signs have no specific maintenance restrictions. Please ensure that the maintenance of any nonconforming signs will not: (1) enlarge the dimensions of the sign facing; (2) raise the HAGL of the sign; (3) enhance the sign's visibility; (4) change the location of the sign; or (5) change the general appearance or structure type. Also, all work must be done in compliance with local building regulations. Replacement or refurbishing of materials in the structure with similar or like materials (for example, I-beams replacing similar I-beams) is permitted. The signs may be taken down and reerected to make these

modifications.

We are asking the Florida Outdoor Advertising Association to request their member companies to voluntarily coordinate with our District Outdoor Advertising Offices, the proposed beginning and ending of each such OSHA related maintenance effort for a nonconforming sign. In that regard, attached is a suggested format for such a coordination notice.

Please contact me if I can answer any questions about this issue or if you experience any problems regarding noncompliance with these requirements.

KMT:gk

Kenneth M. Towcimak

Attachment: Notice of OSHA Maintenance Activity

COPY FOR YOUR INFORMATION

Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: Lighting Nonconforming Signs - Virginia

Date: SEP 1 1995

From: Chief, Program Requirements Division

Reply to Attn of: HRW-12

To: Mr. Roberto Fonseca-Martinez
Division Administrator (HDA-VA)
Richmond, Virginia

By memorandum of August 19, Division Right-of-Way Officer Deborah Leete asked whether the new owners of certain nonconforming signs may add lights on a separate structure, but not on the nonconforming sign itself.

Federal regulations require that a nonconforming sign remain substantially the same as it was on the effective date of the State law or regulations The State is required by such regulations to develop its own criteria to determine when customary maintenance ceases and a substantial change has occurred which would terminate nonconforming rights. These criteria should be in the State law or regulations, the latter of which have the force and effect of State law.

We would consider that the addition of lighting, whether as a part of the structure or from a remote location if done for the purpose of lighting the sign would constitute a substantial change which should cause the sign to lose its nonconforming rights under State law. Generally, the addition of lighting results in a nonconforming use confined to daylight hours to be substantially extended, i.e. to a 24 hour period, which constitutes a substantial change.

Since 23 CFR 750.706(b) indicates signs located not more than 15 feet apart may be considered as one sign for spacing purposes, some have suggested that lights placed beyond 15 feet from the sign would not be considered as being added to the sign. However, for the reasons given above, it is the substantial change in a nonconforming use that is in question, rather than whether the lights are physically added to the sign, are within or beyond 15 feet of the sign.

FEDERAL HIGHWAY ADMINISTRATION 1893 1993

Nonconforming signs that are maintained in violation of State law or local ordinance lose their right to just compensation and must be removed expeditiously under the due process procedures of State law.

Attached are three memorandums that address this issue which may be of interest to the State.

We would be interested to know the outcome.

F. D. Luckow

F. D. Luckow

Attachments

fhwa:RPHarter:HRW-12:pw:9/1/95:62026
cc: HRW-READER, CHRON, 12, HRA-03
File:
LOCATION: H:\HRW\12\RPH\LIGTNONC.VA

4(8.2

U.S.Department
of Transportation
Federal Highway
Administration
Montana Division

301 South Park Street
Room 448
Helena, Montana 59626

June 23, 1992

HRW-MT

John Rothwell, Director
Montana Department of Transportation
Helena, Montana 59620

Dear Mr. Rothwell:

Subject: Control of Outdoor Advertising

Public Law 102-302, relating to Dire Emergency Supplemental Appropriations, signed into law June 22, 1992, amends 23 U.S.C. 131(n) making the expenditure of section 104 funds for the purpose of acquiring and removing nonconforming signs entirely discretionary with respect to the State. Text follows:

> Sec. 104 Control of Outdoor Advertising
>
> Section 131(n) of Title 23, United States Code, is amended by adding at the end the following new sentence: "Funds apportioned to a State under section 104 of this title shall not be treated for purposes of the preceding sentence as being available to the State for making such a payment except to the extent that the State, in its discretion, expends such funds for such a payment."

We interpret this to mean a State may use Federal-aid funds to acquire nonconforming signs but if it chooses not to do so, there is no risk of penalty.

Additional guidance related to the March 6 and May 8 Notices in the Federal Register involving the acquisition and removal of nonconforming signs is expected in the near future.

Sincerely,

Merlin J. Voegele
Division Right-of-Way Officer

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

DATE: JAN 17 1977

In reply refer to: HRW-10

SUBJECT: Blank Signs

FROM: Chief, Real Property Acquisition Division
Washington, D.C.

TO: Regional Federal Highway Administrators
Regions 1 - 10

This is to clarify the definition of what constitutes a blank sign under Federal regulations.

Subpart G, Part 750.707, Title 23, CFR, and PHPM 7-6-2, paragraph 8d(6)(b), provide that where an existing nonconforming sign ceases to display advertising matter, a reasonable period of time to replace advertising content must be established by each State.

When a sign remains blank for the established period, it loses its nonconforming status or rights and must be treated as an abandoned or discontinued sign. Blank is defined as void of advertising matter. An "available for lease" or similar message that concerns the availability of the sign itself does not constitute advertising matter. A sign with such a message is treated as abandoned or discontinued after expiration of the time period established by the State. When a sign displays such a message, the sign owner is in fact acknowledging that the sign facing is without live copy.

Similarly, a sign whose message has been partially obliterated by the owner so as not to identify a particular product, service or facility is treated as a blank sign.

Sgd. G. B. Saunders
G. B. Saunders

bb

U.S. Department of Transportation
Federal Highway Administration

Memorandum

ELECTRONIC MAIL

Subject: **INFORMATION**: Optional Use of Acknowledgment Signs on Highway Rights-of-Way

Date: August 10, 2005

From: ***Original signed by***
J. Richard Capka
Acting Administrator

Reply to
Attn. of: HOTO-1

To: Associate Administrators
Chief Counsel
Directors of Field Services
Resource Center Director and Operations Managers
Division Administrators
Federal Lands Highway Division Engineers

It is the Federal Highway Administration's (FHWA) policy to allow the use of signs to acknowledge the provision of highway-related services. State and local programs for acknowledgment signs are growing in popularity because they can provide additional revenue for highway facility maintenance programs. Therefore, we are issuing this guidance memorandum to set forth the distinction between advertisement and acknowledgment signs, and provide guidance on the content and placement of acknowledgment signs. Although the information contained in this memorandum is considered policy guidance, the FHWA intends to propose these provisions in the rulemaking for the next edition of the Manual on Uniform Traffic Control Devices (MUTCD). The proposed rulemaking will more clearly identify standards, guidance, and options and the public will have an opportunity to provide comments.

This policy memorandum on acknowledgment signs replaces the previous policy memorandum dated October 29, 2003, and applies to both corporate and volunteer sponsorship programs. The term "highway" is used in a generic way throughout this memorandum to apply to all streets and roadways open to public travel. The guidance provided in this memorandum applies to new and modified installations and is intended to promote a degree of national uniformity and consistency. Existing acknowledgment signs already installed do not have to be changed. However, we encourage State and local highway agencies to consider the guidance provided in this memorandum when replacing or upgrading existing signs. While this guidance provides flexibility to the States and local highway agencies, attempts should be made to follow good, basic engineering practices such as simplifying sign message content, reasonable sign sizes, and minimizing driver distraction.

Acknowledgment signs are a way of recognizing a company or business, or a volunteer group that provides a highway-related service. Acknowledgment signs include sponsorship signs for adopt-a-highway litter removal programs, maintenance of a parkway or interchange, and other highway maintenance or beautification sponsorship programs. Acknowledgment signs should clearly indicate the type of highway services provided by the sponsor. The FHWA recognizes a distinction between signing intended as advertising and signing intended as an acknowledgment for services provided. Advertising generally has little if any relationship to a highway service provided. The advertiser basically wants to get its recognizable message, company emblem, or logo before the public, and if possible, information on how or where to obtain the company's product or services. In most cases, if the sign goes beyond recognizing the company's contribution to a particular highway service at a specific highway site or includes telephone numbers or internet addresses, the sign is more properly classified as an advertising sign and not an acknowledgment sign.

Use of highway right-of-way for advertising purposes is not allowed. This policy position is consistent with the principles and intent of several laws including 23 U.S.C. §1.23(b), 23 U.S.C. §109(d), and 23 U.S.C. § 131. The MUTCD Section 1A.01 states that "Traffic control devices or their supports shall not bear any advertising message or any other message that is not related to traffic control." This position is founded on safety and operational concerns, particularly as related to driver distraction. Highway signs and other traffic control devices convey crucial information. In order for road users to perceive and respond appropriately to critical information, we must make sure that its conspicuity is preserved so that the safe and orderly movement of traffic is not compromised.

If a State or local highway agency elects to have an acknowledgment sign program, then that agency should develop an acknowledgement sign policy. This policy should include requirements that eligible sponsoring organizations must comply with State laws prohibiting discrimination based on race, religion, color, age, sex, national origin, and other applicable laws. State or local agencies must also be aware of and comply with the general provisions for signs as covered in Chapter 2A of the MUTCD and sign design principles covered in the Standard Highway Signs Book. The acknowledgment sign policy should conform at a minimum to the considerations for sign design and placement covered below.

Sign Placement:

With respect to placement of traffic control signs, regulatory, warning, and guide signs have a higher priority than acknowledgement signs. In fact, acknowledgment signs are the lowest priority of information-type signs and may only be placed where adequate spacing between higher priority signs is available. In no case shall the acknowledgment sign be placed such that it obscures road users' view of other traffic control devices. The following minimum spacing is recommended:

1. On roads with speed limits of less than 30 mph, acknowledgment signs should not be placed within 150 feet of any other traffic control signs, except parking regulation signs.

2. On roads with speed limits of 30 to 45 mph, acknowledgment signs should not be placed within 200 feet of any traffic control signs, except parking regulation signs.

3. On roads with speed limits greater than 45 mph, acknowledgment signs should not be placed within 500 feet of any traffic control signs, except parking regulation signs.

Due to public safety concerns, acknowledgment signs shall not be allowed at the following locations:

1. On the front, back, adjacent to or around any traffic control device, including traffic signs, signals, changeable message signs, traffic control device posts or structures, or bridge piers.

2. At key decision points where a driver's attention is more appropriately focused on traffic control devices, roadway geometry, or traffic conditions. These locations include, but are not limited to exit and entrance ramps, intersections controlled by traffic signals or by stop or yield signs, highway-rail grade crossings, work zones, and areas of limited sight distance.

If the placement of an acknowledgment sign conflicts with newly installed higher priority signs, or traffic signals, or temporary traffic control devices, or other priority devices, the acknowledgment sign should be removed, covered, or relocated.

Sign Design:

State or local highway agencies may develop their own acknowledgment sign designs and may also use their own pictograph logo and/or a brief jurisdiction-wide program slogan as part of any portion of the acknowledgement sign. However, all such designs shall be consistent with the following provisions:

- Does not contain any contact information, directions, slogans (other than a brief jurisdiction-wide program slogan, if used), telephone numbers, and internet addresses.
- Use the Standard Highway Signs alphabet series fonts. This does not apply to the sponsor acknowledgment logo.
- Have a sponsor acknowledgment logo that is not more than 1/3 of the total area of the sign. The reason for this is to keep the main focus on the highway-related service and not on the sponsor logo. The sponsor acknowledgment logo may contain text, a sponsor logo, or both.

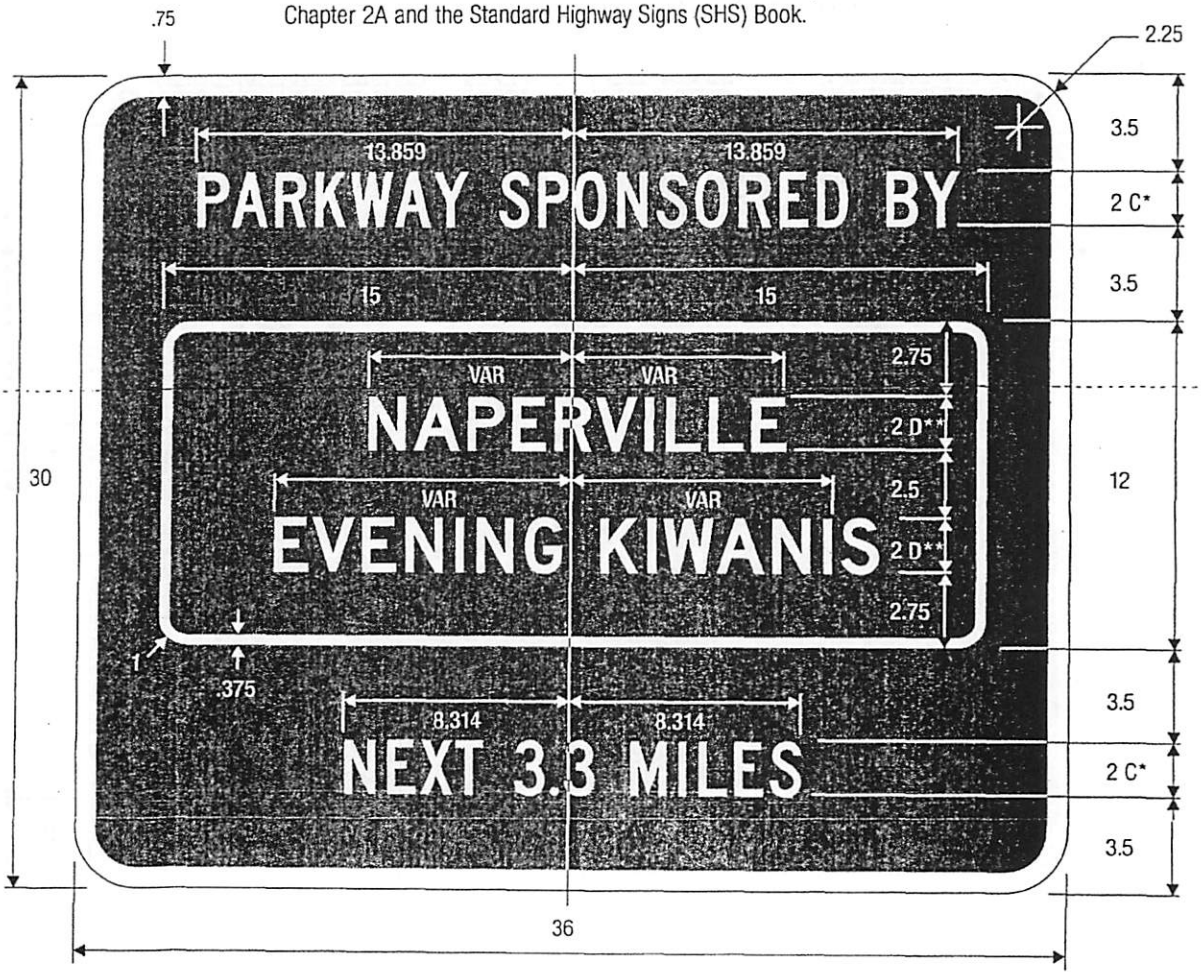
- Does not contain any messages, lights, symbols, and trademarks that resemble any official traffic control devices.
- Does not contain any light-emitting diodes, luminous tubing, fiber optics, luminescent panels or other flashing, moving, or animated features.
- Does not distract from official traffic control messages such as regulatory, warning, or guidance messages.

Examples of design layouts (D14-1, D14-2, and D14-3) are included as an attachment for consideration by State and local agencies interested in developing acknowledgment sign designs. These examples are intended as a starting point for those agencies that may be developing a new or modifying an existing acknowledgment sign program. If there are any further questions about this issue, please contact Mr. Hari Kalla at 202-366-5915 or via email at **hari.kalla@fhwa.dot.gov**.

Attachments

SAMPLE DRAWINGS

- Dimensions in this drawing are for illustration purpose only.
- All signs shall be designed according to specifications presented in the Manual for Uniform Traffic Control Devices (MUTCD) Chapter 2A and the Standard Highway Signs (SHS) Book.



*Series 2000 Standard Alphabets.

D14-1

ADOPT A HIGHWAY

**Series C or D may be used depending upon length of legend.

ALTERNATE LEGENDS:

ADOPT A HIGHWAY (STREET) (ROADSIDE)

HIGHWAY (ROADSIDE) (PARKWAY) MAINTAINED BY

LITTER PICKUP (REMOVED) BY

LANDSCAPING BY

SNOW REMOVED BY

SPONSORED BY

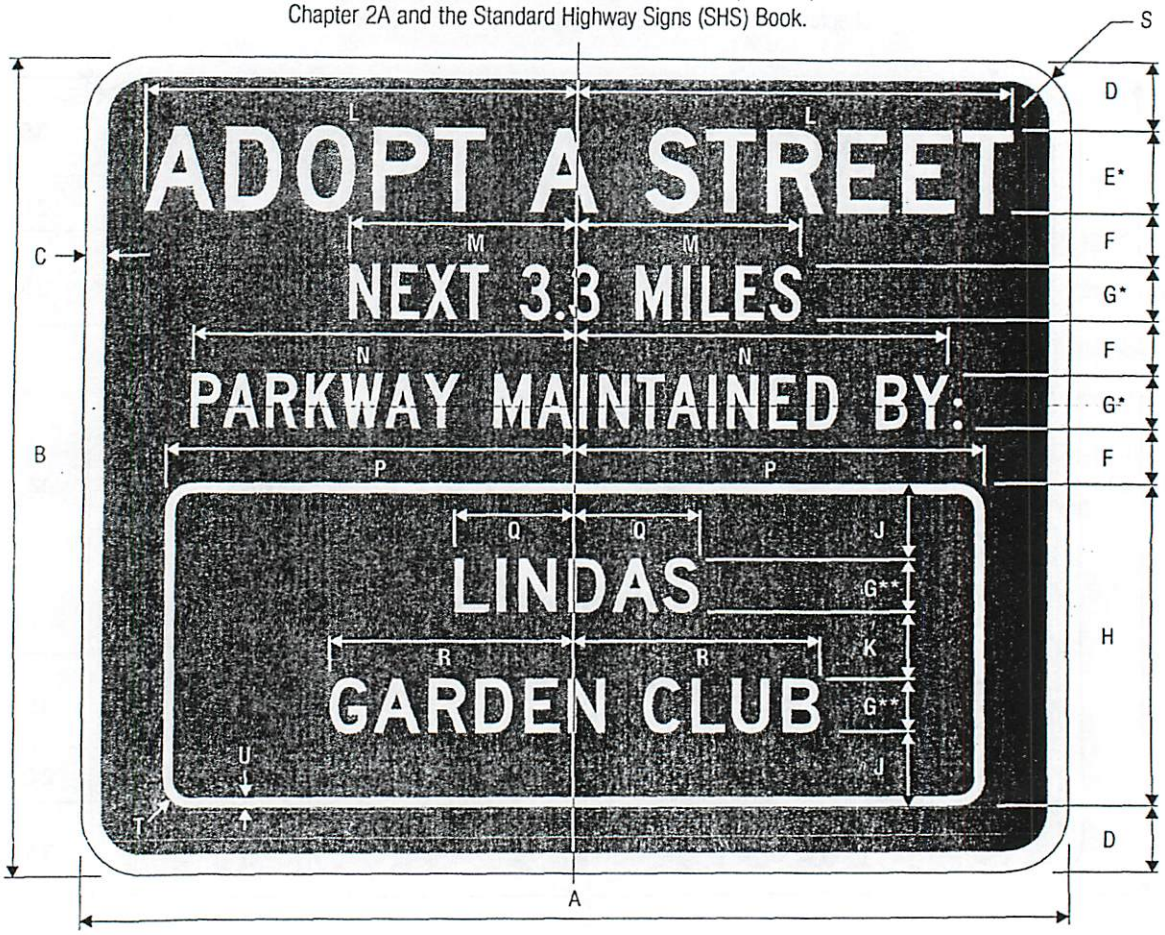
COLORS:

LEGEND	— WHITE	(RETROREFLECTIVE)
BACKGROUND	— BLUE	(RETROREFLECTIVE)
INSET	— BLUE	(RETROREFLECTIVE)
SPONSOR LEGEND	— WHITE	(RETROREFLECTIVE)

X-XX

SAMPLE DRAWINGS

- Dimensions in this drawing are for illustration purpose only.
- All signs shall be designed according to specifications presented in the Manual for Uniform Traffic Control Devices (MUTCD) Chapter 2A and the Standard Highway Signs (SHS) Book.



*Series 2000 Standard Alphabets.

D14-2

**Series C or D may be used depending upon length of legend.

ADOPT A HIGHWAY

ALTERNATE LEGENDS:

ADOPT A HIGHWAY (STREET) (ROADSIDE)

HIGHWAY (ROADSIDE) (PARKWAY) MAINTAINED BY

LITTER PICKUP (REMOVED) BY

LANDSCAPING BY

SNOW REMOVED BY

SPONSORED BY

A	B	C	D	E	F	G	H	J	K	L
36	30	.75	2.5	3 D	2	2 C	12	2.75	2.5	15.904
72	48	1.25	4	6 D	3	4 C	17	3	3	31.812

M	N	P	Q	R	S	T	U
8.314	14.122	15	VAR	VAR	2.25	1	.375
16.635	28.256	33	VAR	VAR	3	1.5	.625

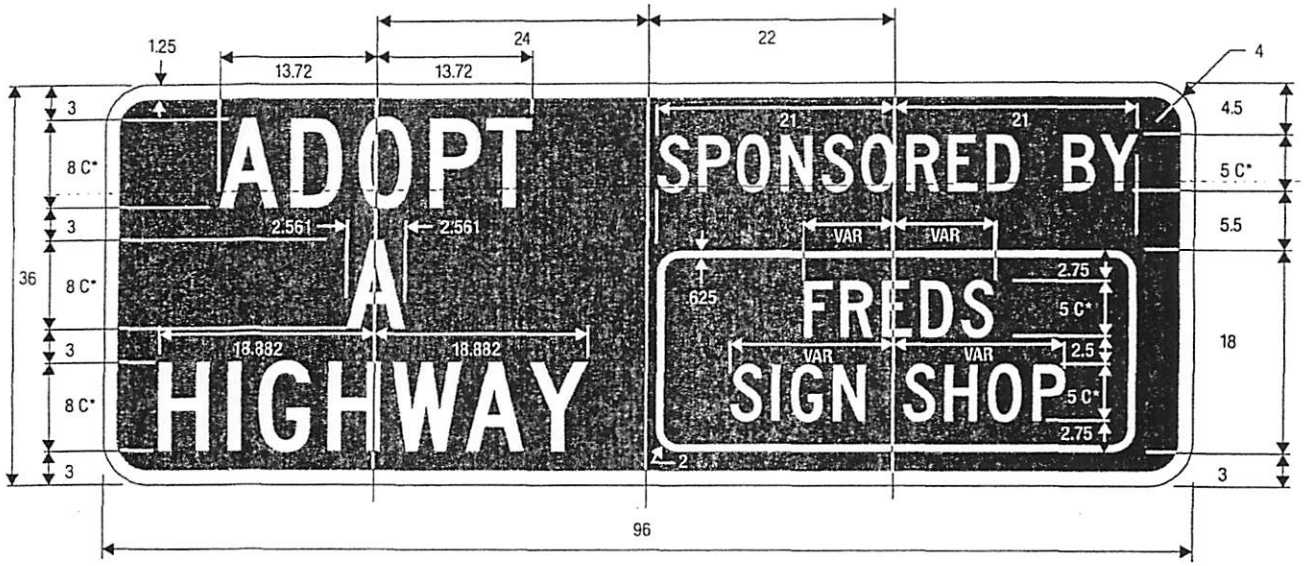
COLORS:
LEGEND — WHITE (RETROREFLECTIVE)
BACKGROUND — BLUE (RETROREFLECTIVE)

INSET — BLUE (RETROREFLECTIVE)
SPONSOR LEGEND — WHITE (RETROREFLECTIVE)

X-XX

SAMPLE DRAWINGS

- Dimensions in this drawing are for illustration purpose only.
- All signs shall be designed according to specifications presented in the Manual for Uniform Traffic Control Devices (MUTCD) Chapter 2A and the Standard Highway Signs (SHS) Book.



D14-3

ADOPT A HIGHWAY

*Series 2000 Standard Alphabets.

ALTERNATE LEGENDS:

ADOPT A HIGHWAY (STREET) (ROADSIDE)

HIGHWAY (ROADSIDE) (PARKWAY) MAINTAINED BY

LITTER PICKUP (REMOVED) BY

LANDSCAPING BY

SNOW REMOVED BY

SPONSORED BY

COLORS: LEGEND — WHITE (RETROREFLECTIVE)
BACKGROUND — BLUE (RETROREFLECTIVE)

INSET — BLUE (RETROREFLECTIVE)
SPONSOR LEGEND — WHITE (RETROREFLECTIVE)

U.S. Department of Transportation
Federal Highway Administration

Memorandum

ELECTRONIC MAIL

Date: October 29, 2003

Subject: INFORMATION: Interim Policy on Acknowledgment Signs on Highway Rights-of-Way.

From: Mary E. Peters /s/ Mary E. Peters
Administrator

In Reply Refer To: HCC-30

To: Associate Administrators
Directors of Field Services
Division Administrators
Federal Lands Highway Division Offices

The Federal Highway Administration (FHWA) announces in this memorandum an interim policy for the use of acknowledgment signs on highway rights-of-way. The FHWA's interim policy permits acknowledgment signs on highway rights-of-way, forbids advertising signs on the highway right-of-way, and restricts the placement of acknowledgment signs and messages from certain high risk areas. This memorandum supersedes the Adopt-a-Highway Signs memorandum issued November 9, 2001. A complete policy will be developed in coordination with the American Association of State Highway and Transportation Officials (AASHTO) and other stakeholders in the future. The FHWA expects to have that policy issued by the end of the year.

No Advertising Within the Highway Right-of-Way

With regards to advertising signs within the highway right-of-way, the FHWA reaffirms its long held position that advertising is not permitted on highway rights-of-way.

Acknowledgment Signing Within the Highway Right-of-Way

The FHWA does permit agencies to allow acknowledgment signs on the highway rights-of-way. Such acknowledgment signs include sponsorship signs for the adopt-a-highway program, sponsorship of an interchange or landscape planting, and similar programs. The FHWA recognizes the potential for generating revenue for highway purposes through public-private partnerships based on sponsorship services. The basis of this interim policy is FHWA support for providing flexibility to government agencies to pursue these opportunities while balancing safety and operational imperatives.

The FHWA recognizes a distinction between signing intended as advertising and signing intended as an acknowledgment for services provided. During the interim period, government agencies should be guided by the following basic principles to define acknowledgment signing.

- The sole purpose of an acknowledgment sign is recognition by the State or facility owner that highway services at a particular place were provided by the person or entity acknowledged on the sign or by someone acting in their stead.
- The acknowledgment sign should be a reasonable size and simple in design to communicate acknowledgment only. The sign should be devoid of contact information, directions or slogans.
- The services must be related to the actual highway. It would be inappropriate, for example, if a company gave money to a State and an acknowledgment sign were erected on a right-of-way recognizing the company's contribution. The company would have to provide or have its agents provide a specific service for a portion of the highway.

Distinguishing between an acknowledgment sign and an advertising sign can sometimes be difficult. Generally speaking, an advertisement has little if any relationship to a highway service provided. The advertiser wants to get its recognizable company emblem or logo before the motoring public, and, if possible, information on how or where to purchase the company products or service. If the acknowledgment sign goes beyond recognizing the company's contribution to a particular part of the highway and includes phone numbers or Internet addresses, the sign would more properly be termed an advertising sign. Signs that have slogans on them as part of the acknowledgment (e.g., "Sponsored by Acme Contractors, Where No Job is too Small") would be advertising signs. Similarly, if an acknowledgment sign is large, or if there are different sizes for acknowledgment signs on the same highway system (e.g., a business logo is larger than an individual's acknowledgment sign), the FHWA would have doubts about the signs being acknowledgment signs. In its final policy, the FHWA will define "advertisement" and "acknowledgment" in greater detail.

Placement of Acknowledgment Signs

Engineering judgment and a compelling responsibility for public safety, however, lead the FHWA to determine that certain applications of acknowledgment signs are inappropriate and not allowed on public roadways.

Acknowledgment signs or messages of any sort, including vegetative logo arrangements, are not allowed in the following locations:

- On the front, back or around the perimeter of any traffic control device, including but not limited to:
  - Traffic signal heads and supports,
  - Any regulatory, guide or warning sign,
  - Changeable message sign,
  - Traffic control device posts or structures
- Bridge piers
- At any site where the acknowledgment sign would obscure the ability of a driver to detect and understand existing traffic control devices

- At key decision points where a driver's attention is more appropriately focused on traffic control devices or traffic conditions. These locations include, but are not limited to:
    - Exit and entrance ramps and other lane-weaving areas
    - Highway-rail grade crossings
    - Work zones
    - Areas of limited sight distance

At all other locations, safety concerns would dictate caution on the part of the States in placing any acknowledgment sign or message on the highway right-of-way until the FHWA's final policy is formulated.

Until a final policy is adopted, acknowledgment signs may be used after approval through the experimental process as outlined in the Manual on Uniform Traffic Control Devices (MUTCD), Section1.A.10, Interpretations, Experimentations, and Changes. The FHWA foresees no impediments for experimentation approvals, if the proposed acknowledgment signs are: 1) submitted by the public agency or private toll facility responsible for the operation of the road; 2) in keeping with the State policy; and 3) consistent with the signing principles for design, application, and placement discussed in the MUTCD. More detailed guidance will be developed in coordination with the transportation community to cover size, design and placement. FHWA plans to incorporate this guidance into the MUTCD through the public rulemaking process.

Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: **INFORMATION:** Adopt-a-Highway Signs - Interpretation

Date: November 9, 2001

From: Dennis C. Judycki
Deputy Executive Director

Reply to Attn. of: HOTO-1

To: Core Business Units
Service Business Units
Directors of Field Services
Division Administrators
Federal Lands Highway Division Offices

On April 27, 2001, former Deputy Executive Director Vincent F. Schimmoller issued a memorandum providing guidance with respect to the size and markings on Adopt-A-Highway signs. Given the factors discussed below and a review of our policy by new agency leadership, effective immediately, that memorandum is rescinded.

Recent discussions of the April 27 policy, along with dialogue in several of the American Association of State Highway and Transportation Officials (AASHTO) subcommittees, have highlighted much deeper issues that go beyond the simple enforcement of the Manual on Uniform Traffic Control Devices standards. For example, the Maintenance Subcommittee has argued that several States have entered into agreements that allow a commercial entity to exchange maintenance and litter pickup services for signs acknowledging commercial sponsors who pay for the services. This saves scarce maintenance resources for those States. They also noted that the use of more experienced crews used in such arrangements increases safety.

The Traffic Engineering Subcommittee, on the other hand, has argued that this is a foot in the door to other types of advertising, including electronic advertising on overhead message boards, raising serious concerns over driver distraction and confusion.

At the request of the Subcommittee on Maintenance, the AASHTO Standing Committee on Highways will establish a task force to work through the many underlying issues associated with signage for the Adopt-A-Highway program. The Federal Highway Administration leadership will actively participate in those deliberations.

Further guidance will be forthcoming after we consider the AASHTO Task Force recommendations. In the interim, States should follow their existing guidelines on Adopt-A- Highway signing. To the extent possible, these guidelines should ensure that Adopt-A-Highway signs serve only as an acknowledgement, not an advertisement.

If you have questions, please contact Mr. Ernie Huckaby at 202-366-9064.

Attachment

This page last modified on July 10, 2005

Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: **INFORMATION:** Adopt-a-Highway Signs - Interpretation (II- 477(I)--"Advertising on Adopt-a-Highway Signs")

Date: April 27, 2001

From: Vincent F. Schimmoller
Deputy Executive Director

Reply to Attn. of: HOTO-1

To: Directors of Field Services
Division Administrators

Currently, there are a number of State and local sponsored Adopt-A-Highway programs throughout the country. The program began as a means to allow States the authority to use various organizations to pick up litter along sections of streets and highways. The placement of Adopt-A-Highway signs was allowed along the roadway to identify "Adopt-A-Highway" sections and to acknowledge the organization that had taken responsibility for that section.

Recently, it has come to our attention that there are a significant number of Adopt-A-Highway signs throughout the country displaying commercial trade logos, slogans, telephone numbers, Internet addresses, and similar forms of commercial promotion. The signs also use various sizes and letter styles. These signs are clearly intended for advertising to the passing motorists rather than acknowledging the litter pickup services of an organization for which the program was intended. Additionally, we are aware of an Internet web site that openly promotes the sale of business and commercial sign advertisements on Interstates and other major highways in various States for adopt-a-highway/sponsor-a-highway programs (see http://adoptahighway.com). These actions concern us and we would like to clarify Federal Highway Administration's (FHWA) position on this subject.

Signs on rights-of-way are generally governed by 23 U.S.C. §109(d) which provides that:

> On any highway project in which Federal funds hereafter participate . . . the location, form and character of informational, regulatory and warning signs, curb and pavement or other markings, and traffic signals installed or placed by any public authority or other agency, shall be subject to the approval of the State highway department with the concurrence of the Secretary, who is directed to concur only in such installations as will promote the safe and efficient utilization of the highways.

Pursuant to 23 U.S.C. §109(d), the FHWA promulgated the Manual on Uniform Traffic Control Devices (MUTCD) to provide national standards for traffic control devices on all Federal-aid highways 23 C.F.R. §655.603(a) provides:

> National MUTCD. The MUTCD approved by the Federal Highway Administrator is the national standard for all traffic control devices installed on any street, highway, or bicycle trail open to public travel in accordance with 23 U.S.C. §109(d) and §402(a).

Under 23 U.S.C.§ 402, the MUTCD applies to all highways open to the public.

The MUTCD defines Traffic Control Devices as:

> "Traffic Control Devices - all signs, signals, markings, and other devices used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, pedestrian facility or bicycle path by authority of a public body or official having jurisdiction." (MUTCD, 2000 ed., section 1A.13 Definitions of Words and Phrases in this Manual).

The MUTCD gives a statement as to their purpose:

". . . Support: The purpose of traffic control devices, as well as the principles for their use, is to promote highway safety and efficiency by providing for the orderly movement of all road users on streets and highways throughout the Nation...

Standard: Traffic control devices or their supports shall not bear any advertising message or any message that is not related to traffic control." (MUTCD, 2000 ed., Section 1A.01 Purpose of Traffic Control Devices).

Adopt-A-Highway signs displaying commercial trade logos, slogans, telephone numbers, Internet addresses, and similar forms of commercial promotion are not in conformance with the 2000 MUTCD. Section 2D.47 General Information Signs in the Millennium edition of the MUTCD allows for use of Adopt-A-Highway signs. If a highway jurisdiction elects to participate in this program, the Adopt-A-Highway sign must be in accordance with signing policies established by the agency. Restrictions were placed in this section such that "messages, symbols, and trademarks, which resemble any official traffic control device, shall not be used." A generic State or local jurisdiction logo is permissible for Adopt-A-Highway signs within a jurisdiction. Business logos are not permissible. In other words, States, counties, and cities may put their logo on the sign; however, the sign text alphabet series and font, and the logo size must be the same for each sign. The lettering to indicate the sponsor (i.e., Joe's Cleaners, Mary's Restaurant, etc.) shall be the alphabet series and font in the Standard Highway Signs book.

Further, the placement of commercial advertisement within the roadway rights-of-way is a violation of Federal law and regulation. See the **attached December 19, 1996, legal opinion** furnished by the FHWA Chief Counsel that identifies the pertinent laws and regulations addressing the subject. Allowing the use of commercial advertising signs along the roadway is a disservice to the traveling motorist who is relying on roadside signs for regulatory, warning, and guiding information. The Specific Sign Logo program and Tourist Oriented Destination Sign programs, which are in compliance with the MUTCD, have been developed to provide guidance information to the traveling motorist.

Please inform your State and local highway agencies that advertising a business is not the intent of the Adopt-A-Highway program. The FHWA considers the use of any commercial message, including trade logos, slogans, telephone numbers, and Internet addresses, on an Adopt-A-Highway sign to be advertising and, therefore, not in conformance with the MUTCD. The sign text and lettering shall be the alphabet series (fonts) in the Standard Highway Signs book to indicate the sponsor.

For MUTCD reference purposes, this interpretation has been assigned official interpretation number and title, II-(I)--Advertising on Adopt-A-Highway Signs. If you require additional information, please contact Mr. Ernie Huckaby at 202-366-9064.

Attachment

This page last modified on July 10, 2005

Memorandum

U.S. Department
of Transportation
Federal Highway Administration

Subject: **INFORMATION**: Guidance on the Approval Process For Outdoor Advertising Control Pilots

Date: August 30, 2005

From: Susan B. Lauffer, Director, Office of Real Estate Services

Reply to Attn. of: HEPR

To: Division Administrators
Attn: Division Realty Professionals

The purpose of this memorandum is to provide guidance for implementing existing policies under 23 United States Code (U.S.C.) §131 and 23 U.S.C. §502 on the approval process for Outdoor Advertising Control (OAC) pilot projects. This guidance details the standards for evaluating pilot proposals and the procedural requirements for approval of an outdoor advertising control pilot. The FHWA will monitor the results of this guidance and will revise it as appropriate.

Background

The purpose of the OAC pilot program is to better implement the objectives of the Highway Beautification Act of 1965, as amended (23 U.S.C. §131) (HBA). The authority to authorize a pilot project is granted under Surface Transportation Research in 23 U.S.C. §502. A pilot under §502 provides a testing opportunity for outcomes from possible statutory and/or regulatory changes. This experimental authority extends only to statutory, regulatory, and policy provisions under Title 23 of the United States Code, and does not change the requirements under other statutes, such as the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), or the National Environmental Policy Act (NEPA).

Guidance

The Federal Highway Administration (FHWA) will consider a number of factors when evaluating a proposal. While individual cases may involve a balancing of considerations in addition to those listed below, we believe that these factors constitute the minimum standards against which a pilot proposal should be measured.

1. Likely to result in a proposal for change at the national level.
A pilot project must propose testing a concept, process, or procedure that, if successful, may lead to a proposal for change to a law, regulation, or national policy or practice of the national OAC Program.

2. Meets statutory purpose.
The proposal must promote the purposes of the HBA, as articulated by Congress at 23 U.S.C. §131(a). Those purposes are the protection of the public investment in the controlled highways, the promotion of the safety and recreational value of public travel, and the preservation of natural beauty.

3. In the public interest.
The pilot project proposal must be in the public interest. Considerations relevant to the public interest determination may vary with the nature of the experimental proposal and the parts of the law affected. A pilot proposal will be approved by the FHWA only if the benefits to the public are significant and, in the judgment of the FHWA, outweigh any potential adverse effects from activities under the pilot. This requirement is especially important because actions taken under the authority of a pilot may have long term or permanent effects. The public benefit requirement does not preclude consideration of benefits and harm to private interests. However, the defining rationale and effect of a pilot must be to serve the public interest and further the purposes of the HBA, such as natural beauty and safety.

4. Complies with NEPA.
A proposed pilot project also must comply with the appropriate sections of NEPA. As stated above, if a State wants to test a concept, process, or procedure that conflicts with the HBA or its implementing regulations, FHWA approval under 23 USC §502 is required. Absent such approval, the State could lose up to ten percent of its Federal-aid highway funds. This approval requirement meets the broad definition of "federal action" in NEPA. Therefore, before the FHWA will approve a pilot proposal, there must be compliance with NEPA. A pilot proposal of limited scope or effect might well be a documented Categorical Exclusion (CE), while a larger project might require an Environmental Assessment (EA).

5. Developed with public involvement.
Because OAC is a controversial area, we believe that a public involvement process is essential to the development of a successful pilot proposal. This should include reaching out to affected communities and interest groups and, if possible, achieving consensus about the terms of the pilot proposal. The public involvement process used must satisfy the FHWA requirements in 23 CFR 771.111(h). This public involvement requirement applies even if the Division determines that the proposal is a CE under NEPA.

6. Expected risks from the proposed experiment are proportionate to the potential positive results. Additional considerations include the nature of the problem the pilot is expected to address and whether the pilot is expected to improve program results or increase efficiency in government. The fact that a pilot proposes to test a concept that might solve a long-standing program problem may provide a rationale for approving a particularly creative experimental approach.

While the FHWA would not rule out the possibility of a statewide pilot under the proper circumstances, we feel that using a limited geographic area often will be a more appropriate testing mechanism. We suggest looking for a few corridors where it is likely that the pilot will produce data that will permit a good analysis of the positive and negative effects of the pilot. Using geographically limited corridors also will make the processes of stakeholder involvement and building consensus more manageable.

Proposal Submission and Processing

A State Department of Transportation (SDT) must initiate the pilot proposal. The FHWA encourages States to seek an informal initial evaluation by the FHWA Division to determine whether the proposal is likely to meet the FHWA OAC pilot criteria. This step will avoid unnecessary work and help ensure that proposals are fully developed before the SDT transmits a formal proposal to FHWA.

SDTs should address their proposals in writing to their FHWA Division Administrator. The FHWA Division will coordinate with the State on NEPA compliance, and will review and evaluate the SDT's proposal.

When a formal proposal is submitted to the Division, the Division should determine whether the proposal package is complete. If the submission does not meet the documentation requirements of this guidance, the Division should return the proposal to the State with advice on what needs to be done to complete the proposal. If the proposal is complete, the Division should evaluate the merits of the proposal and forward the Division's recommendation, together with the pilot proposal, to Headquarters. The Division should send the materials to its Office of Real Estate Services Point of Contact (POC). The POC will serve as the Headquarters coordinator for the review and determination process.

The Office of Real Estate Services, in consultation with the Office of Chief Counsel, will review the Division's recommendation on a proposal for a §502 pilot project. If those Offices recommend approval of the pilot, they will forward the proposal and recommendation to the Associate Administrator for Planning, Environment and Realty for concurrence. The final decision whether to approve the pilot rests with the Associate Administrator. After the Associate Administrator acts on the proposal, the Division will notify the State of the outcome.

A written proposal must include:

1. A description of the potential change in Federal laws or regulations that the pilot is intended to test.
2. Specification of each provision of the Federal laws, regulations, and applicable Federal-State Agreement(s) that would require a waiver under 23 U.S.C. §502 in order for the pilot to take place.
3. A detailed description of how the pilot would work, including any special safeguards and the SDT's proposed monitoring and measurement of impacts. An analysis of potential increase or decrease in administrative burden to the State should be one of the impacts measured by the State.
4. The intended scope and time period for the proposed practice. For example, geographic limits may range from broad to restricted (statewide, one area, one project, etc.). The proposed length of the pilot should be limited to that time period needed to obtain measurable results. The legal authority for the pilot practice ends at the termination of the pilot.
5. A description of the expected effects of the pilot, including potential benefits, harm, and burdens to the public and/or to private persons or entities.
6. An analysis of how the pilot meets the minimum standards described in this guidance.

7. A summary of the public involvement process, including a report on the issues and interests expressed by those in support of and those opposing the pilot.
8. The appropriate NEPA documentation, including documentation required under 23 CFR 771.111(h).

The FHWA may accept, accept with conditions or revisions, or reject any pilot proposal. Every approved pilot will be subject to the condition that the State diligently will monitor compliance with the conditions of the pilot approval. Any sign that is erected, relocated, modified, altered in legal status, or otherwise affected under the authority of the pilot will be deemed by the FHWA to be in compliance with the requirements of the HBA so long as such sign is, and remains, in compliance with the conditions of the approved pilot. Any violation of such conditions, during or after the pilot, automatically will render such sign illegal under the HBA and the State immediately must act to have such sign removed.

The pilot proposal's description of the performance metrics that the State will use to track the effects of the pilot should support an independent evaluation and analysis of the pilot's results at the end of the pilot period. The metrics, and the State's commitment to collect and report the data, will be a key factor in the FHWA determination whether to approve the pilot. Such data is vital to any subsequent FHWA evaluation of the pilot's effects.

The Office of Chief Counsel has approved this guidance. Questions on this guidance may be directed to Janis Gramatins at (202) 366-2030 or (e-mail Janis.Gramatins@fhwa.dot.gov), or Janet Myers at (202) 366-2019 or (e-mail Janet.Myers@fhwa.dot.gov).

U.S.Department
of Transportation
Federal Highway
Administration

Memorandum

Subject: **INFORMATION:** Installation of Wind Turbines and Solar Panels on Outdoor Advertising

Date: April 8, 2011

From: Nelson Castellanos
Director, Office of Real Estate Services

In Reply Refer To:
HEPR-20

To: Division Administrators
Attn: Division Realty Specialists

The purpose of this message is to address the growing interest in placing wind turbines and solar panels on outdoor advertising to generate electricity. We want to let you know our conclusion that such installations can be consistent with the Highway Beautification Act (HBA).

Alternative energy ideas have found their way into many areas of contemporary society, including outdoor advertising. Outdoor advertisers and the alternative energy industry have expressed interest in attaching mechanisms such as wind turbines and solar panels to billboards or placing them near billboards outside the right-of-way. In fact, the Office of Real Estate Services recently found that several States have been approached by the energy and advertising industries and are considering such installations or have approved them, some with U.S. Department of Energy funds.

In principle, the installation of these alternative energy mechanisms on conforming signs for the sole purpose of generating electricity complies with the HBA, as they are not added "signs, displays or devices" under 23 U.S.C. 131 or 23 CFR Part 750. In practice, the alternative energy mechanisms may not display logos or advertising or be made part of the message area. If they do, they are subject to control and HBA compliance.

States and/or local jurisdictions that are considering the placement of these mechanisms on or near a billboard need to adopt policies and procedures for such installations. The States should develop these policies and procedures in consultation with the FHWA division office to ensure compliance with the conditions in their State/Federal agreement. The State policies should prohibit attachment of alternative energy mechanisms to non-conforming signs, as this would constitute a substantial change in violation of 23 CFR 750.707(d)(ii)(5).

RECOVERY.GOV

If you have any questions, please contact Mr. Janis Gramatins at 202-366-2030 or at Janis.gramatins@dot.gov.

FHWA:HEPR:N. Castellanos:rw:6-2058:03/24/11
File Name: Billboard/Alternative Energy Devices.Guidance
FHWA Control No.
cc: HOAES

Mr. Castellanos HEPR
Mr. Gramatins HEPR
Mr. Lindley HOP-1
Mr. Black HCC-30

Files E76-334
Mr. Toole HSA-1

U.S. Department of Transportation
Federal Highway Administration

Memorandum

HDA-MT

APR 10 1998

HE IS THE ATTACHMENT TO Mr. LORNEZ'S MEMORANDUM (sorry for the inconveince.)

Subject: **INFORMATION**: Outdoor Advertising Control on Scenic Byways and the National Highway System (NHS)

Date: April 5, 1996

From: Associate Administrator for Program Development

Reply to Attn. of: HRW-20

To: Regional Administrators
Federal Lands Highway Program Administrator

The purpose of this memorandum is to provide an update on the role of the Federal Highway Administration (FHWA) in assuring that the intent of Congress is met concerning the implementation of 23 U.S.C. 131, Control of Outdoor Advertising.

SCENIC BYWAYS

Title 23, United States Code, Section 131(s) prohibits the erection of new signs which do not conform to Section 131(c) in areas adjacent to Interstate and primary highways which are designated as a scenic byway under a State scenic byway program. A State is considered to have a scenic byway program when one or more public roads or highways under State, Federal, or local ownership have been designated by the State through legislation or some other official declaration as a scenic byway, highway, road, trail, etc., consistent with the State's unique criteria for designating scenic byways.

The actual label, specific identifying characteristics and termini for these designated scenic byways are the responsibility of each State. State law governs the issue of what constitutes a designated scenic byway. By separate Action memo dated April 2, we are requesting each State to update information to be used in compiling a National inventory of State scenic byway programs and their byways.

In June 1993, we advised that these byways do not need to be continuous. That is, a State may exclude those highway sections from designation that lack scenic value and which otherwise would be included only to preserve system continuity. Such exclusion, however, must have a reasonable basis and not done solely to evade Federal requirements.

A few States have attempted to automatically exclude commercial and industrial areas from scenic byway designation without justification. The FHWA has worked with these States to assist them in meeting the requirements of the Federal law.

Section 314, Scenic Byways, of the National Highway System Designation Act of 1995 amended Section 131(s). This section codified FHWA's existing policy on State designated scenic byways as articulated in our June 14, 1993, memorandum. It allows States to exclude from

scenic byways designation, any segment of the highway that is inconsistent with the State's criteria for designation. The Secretary of Transportation has the authority to prevent actions that evade Federal requirements. Trail blazer signs and mapping of excluded segments is not prohibited.

Although the State does not have to obtain prior approval from FHWA, this would not preclude FHWA from examining proposed exclusions to ensure that these exclusions are made on a reasonable basis.

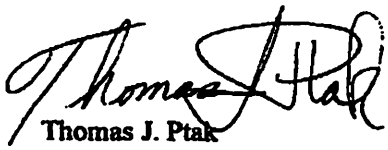
NATIONAL HIGHWAY SYSTEM

With approval of the NHS, there are probably some highways that are included in the NHS that were not formerly on the primary system. These highways would now be subject to outdoor advertising control including the Section 131(s) restrictions if part of a State designated scenic byway. Identification of highways subject to control under the Highway Beautification Act and the NHS are the responsibility of each FHWA Division Office and State highway agency.

Because Section 131(t) of Title 23, United States Code, defined "primary system" and "Federal-aid primary system" for purposes of control under the Highway Beautification Act, it will generally not be necessary to amend Federal/State Agreements or State law to include routes added to the NHS which were not on the Federal-aid primary system. However, agreements and State laws should be examined to assure there is not prohibitive language precluding States from extending outdoor advertising controls to the NHS.

There may be instances where a State, local government, etc., has an ongoing amortization program which would impact a route that is now subject to the control of outdoor advertising under the Highway Beautification Act. In these cases, no lawfully erected outdoor advertising sign located adjacent to a controlled highway on the NHS can be required to be removed without payment of just compensation. For example, if an existing sign on a route added to the NHS is in the middle of an amortization period where the ordinance declared the sign to be removed in 1992, with a 5-year amortization period, the sign cannot be removed without the payment of just compensation.

The States should update their outdoor advertising sign inventories to include highways not previously controlled but which are now included in the NHS. Additionally, each State must continue to make a good effort and reasonable progress in expeditiously removing illegal signs located adjacent to controlled highways.



Thomas J. Ptak

POLICY - OVERSIGHT

Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: FHWA Responsibilities in Monitoring Compliance of Outdoor Advertising and Junkyard Programs

Date: AUG 30 1988

From: Associate Administrator for Right-of-Way and Environment
Washington, D.C. 20590

Reply to Attn of: HRW-10

To: Regional Federal Highway Administrators

The Federal Highway Administration (FHWA) has determined that each State has made provision for effective control of outdoor advertising and junkyards along the Interstate and primary systems as required by 23 U.S.C. 131 and 136. The primary responsibility for the continuing exercise of such control rests with the State. The FHWA has a continuing oversight responsibility to assure that effective control is being maintained by the States.

This memorandum is to reaffirm the position of the FHWA regarding the enforcement of the Outdoor Advertising (ODA) and Junkyard Control (JYC) program requirements even though there are no new funds available for removal of existing nonconforming signs and/or screening of existing junkyards.

Shortage of manpower resources will require special consideration relative to the most effective way our oversight responsibilities can be carried out. In this regard, it is not expected that program compliance reviews will be carried out to monitor the ODA and JYC programs unless specific circumstances warrant. However, consideration should be given to accomplishing the oversight responsibilities in conjunction with other program activities. Surveillance might be accomplished by other Division Office staff, such as area engineers on routine travel, being alert for new illegal signs and/or junkyards which can be reported to the right-of-way staff for handling by the State.

Recently, we have also seen that some States are introducing new legislation and/or revising their existing regulations and operating procedures. These changes are often significant and should be closely monitored by the Division Offices.

ADB 4.11.2

We would appreciate your assistance in advising the FHWA Division Offices of their continuing responsibilities in the Highway Beautification program.

A. R. Kane

Anthony R. Kane

Form DOT F 1320.1 (1-67)

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY

DATE AUG 9 1976

In reply refer to

SUBJECT: Highway Beautification Act

FROM: Acting General Counsel

TO: The Deputy Secretary

Ms. Knapp of your office requested the views of the General Counsel's office concerning the respective responsibilities of the federal government and the states under the outdoor advertising and junkyard control provisions of the Highway Beautification Act of 1965, as amended, and the manner in which those responsibilities have been affected by the 1976 amendments to that Act.

We have reviewed the Act and the 1976 amendments and have concluded that the roles of the federal and state governments have not been changed significantly by the 1976 amendments.

The Secretary of Transportation ("the Secretary") has the responsibility of monitoring the performance of states in controlling signs along Interstate and primary highways to determine whether states have complied with the statute. To make this determination, the Secretary must review the provisions and enforcement of state laws and the adherence to agreements with DOT. The Secretary cannot abrogate his responsibilities to review states' compliance with the Act. The 1976 amendments permit more signs that provide information to the traveling public; in particular, they allow certain signs to be retained if a state demonstrates, among other requirements, that removal of a sign would work an economic hardship on an area. Although the state makes an initial determination of economic hardship, the Secretary must review the states' decision and decide whether to permit the signs.

Our views are discussed more fully in the attached opinions.

Donald T. Bliss

Attachments

cc: L. Knapp

OPINION OF COUNSEL

Questions

What are the respective roles of the federal government and the states in setting and enforcing standards to control outdoor advertising under the Highway Beautification Act of 1965, as amended?

Have the amendments to the Highway Beautification Act in the Federal-Aid Highway Act of 1976 changed the roles of the federal government and the states in the outdoor advertising program?

Answer

The role of the Secretary of Transportation ("the Secretary") in controlling outdoor advertising under the Highway Beautification Act of 1965 as amended ("the Act") is to police state adherence to the requirements of the Act. Actions required of the states and the enforcement responsibilities of the Secretary vary according to the location of signs. The general rule set forth in the Act is that if a state does not limit signs along interstate and primary highways as required by the Act, the Secretary must withhold ten percent of that state's highway funds for a particular year. In areas that are zoned commercial or industrial under state law, signs may be built in accordance with agreement reached between the Secretary and a state about the characteristics of signs. Moreover, if a state determines that certain sign characteristics are of customary use in commercial or industrial zones, then agreement with the federal government is not necessary. In unzoned areas, advertising signs may be erected only if the Secretary and the state agree that the area is used for industrial or commercial purposes. Such signs must conform to standards agreed to by the Secretary and the states. If advertising displays erected in commercial or industrial zones or areas do not conform to the terms of agreements or if agreements are not in effect, the Secretary must withhold a portion of the state's highway funds.

The 1976 amendments provide for more signs to give information to travelers, but the amendments do not change the basic statutory scheme governing the control of advertising by the state and federal governments.

Discussion

The general rule regarding outdoor advertising is set forth in 23 U.S.C. 131(b) and (c) as follows:

(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 . . . until such time as such State shall provide for such effective control. . . . Whenever he determines it to be in the public interest, the Secretary may suspend, for such period as he deems necessary, the application of this subsection to a State. . . .

(c) Effective control means that such signs, displays, or devices . . . shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices shall include . . . signs and notices pertaining to natural wonders, scenic and historical attractions . . . , 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 advertising activities conducted on the property on which they are located, and (4) signs lawfully in existence on October 22, 1965, determined by the State, subject to the approval of the Secretary, to be landmark signs . . . of historic or artistic significance the preservation of which would be consistent with the purposes of this section. 23 U.S.C. 131 (b), (c).

Originally, these subsections applied only to signs within 660 feet of a right-of-way. Their scope was expanded in the Federal-Aid Highway Act of 1975 because the erection of "jumbo signs" outside the land covered by the Act prevented the Act's goals from being fulfilled. Other amendments, in particular attempts by the Public Works Committee of the House of Representatives to expand the definition of directional signs, have been rejected repeatedly by Congress.

Under this statutory framework, a state must provide for "effective control" over signs, displays, and devices by enacting laws that restrict advertising displays to the four types permitted by subsection (c). Directional signs must conform to the national standards promulgated by the Secretary (see 23 C.F.R. 750). Although the statute specifies that the standards must control lighting, spacing, and size and number of signs, it is important to note that subsection (c) allows the Secretary to include other requirements that further the purposes of the advertising controls.

It is the Secretary's responsibility to review these State laws carefully to see that they limit advertising as required by subsection (c). Although that subsection contains specific requirements, the Secretary may look beyond a state's laws to its administrative procedures. In judging the effectiveness of these procedures, the Secretary should consider subsection (a), which sets forth congressional purpose in enacting this section:

> (a) . . . to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve natural beauty. 23 U.S.C. 131(a).

If the Secretary determines that the requirements of subsection (c) have not been met, he must withhold 10% of the state's highway funds unless he determines that it would be in the public interest to waive the requirements of subsection (b). "Public interest" is a broad standard that leaves the Secretary a great deal of discretion. The legislative history establishes that the waiver provision "is to preclude the unjust penalizing of a State which is acting in good faith to comply with the provisions of this section, but which, for technical, legal or constitutional reasons may not be able to meet the . . . deadline." S. Rep. 709, 83th Cong., 1st Sess. 4 (1954). Therefore, funds should not be withheld if the Secretary concludes that the state is acting as expeditiously as possible to comply with the Act.

It has been argued that state participation in the highway beautification program is voluntary because states can refuse to enact and enforce laws limiting signs. This is true, but if a state simply declines to limit outdoor advertising as required by the Act, the Secretary must comply with the statutory mandate to withhold highway funds. Furthermore, the statutory language requiring the Secretary to determine if a state has "made provision for effective control" of outdoor advertising permits him to consider whether procedures adopted under the state laws can be expected to limit advertising expeditiously and to penalize a state if he concludes that a state's procedures are unreasonably slow.

The Act contains the following special provisions for commercial and industrial areas:

> (d) In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within six hundred and sixty feet of the nearest edge of the right-of-way within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary. The States shall have full authority under their own zoning laws to zone areas for commercial or industrial purposes, and the actions of the States in this regard will be accepted for the purposes of this Act. Whenever a bona fide State, county, or local zoning authority has made a determination of customary use, such determination will be accepted in lieu of controls by agreement in the zoned commercial and industrial areas within the geographical jurisdiction of such authority . . . . 23 U.S.C. 131(d).

Both the language of the subsection and the legislative history emphasize that the States have complete authority to zone lands because determination of land use is a state function requiring special knowledge of local conditions. The only limitation on state discretion here is that state

"zoning" laws must constitute true zoning. They may not subvert the statute by "strip zoning" land along highways for commercial or industrial use. S. Rep. No. 709, 89th Cong. 1st Sess. (1965). The Secretary's authority to refuse to recognize "strip zoning" as a legitimate exercise of state zoning power has been upheld. See South Dakota v. Volpe, 353 F. Supp. 335 (D. S. D., 1973). * Unzoned areas can be designated as being used for commercial or industrial purposes only if the state and the Secretary agree on the designation. The Public Works Committee of the House of Representatives specifically approved the statement by Secretary of Commerce John Conner that the Secretary was given a role in the designation of unzoned areas "to make sure that 'unzoned' commercial or industrial areas along our primary highways will be defined on the same basis as those which are actually zoned." H.R. Rep. No. 1089, 89th Cong., 1st Sess. 4 (1965). If the Secretary has not agreed to the designation, then he must withhold ten percent of the highway funds of a state that allows signs other than those permitted by subsection (c) to be built in an unzoned, undesignated area. Id. The purpose of permitting such enforcement is to allow the Secretary to ensure that, in the absence of zoning, a designation by the state of land for commercial or industrial purposes is consistent with the purposes of limiting outdoor advertising and not an attempt by the state to create an exception not intended by federal law. 111 Cong. Rec. S. 23242 (daily ed., Sept. 16, 1965).

Once land is either zoned or designated as commercial or industrial, advertising signs that conform to standards agreed to by the Secretary and a state may be erected; or if a state has determined the "customary use" of signs, signs that meet those criteria may be erected without such

*In South Dakota, the State had enacted a new title 31 to its code to comply with the Highway Beautification Act of 1965. Title 31 provided strips of "commercial zoning" along the state highways. When the Secretary began action to withhold ten percent of its highway funds, the State sought a court order to compel the Secretary to release its funds. The court ruled that the Secretary's decision was reasonable and that the Secretary had authority to refuse to recognize untraditional zoning that would be inconsistent with the Act's purposes. The court also upheld the Secretary's refusal to negotiate with the State on the designation of unzoned areas because the State statute precluded meaningful negotiation by State officials. Finally, the court held that the Secretary could reject the State's determination of customary use of signs under section 131(d) as being below a minimum standard used by other states.

an agreement. In the 1965 Act, standards for signs in commercial and industrial areas could be determined only by agreement between the Secretary and the states. The provision allowing determination of customary use by a state for commercial and industrial zones in lieu of agreement with the Secretary was added in section 6 of the Federal-Aid Highway Act of 1968. That amendment, which increased the states' authority in those zones, reflected what Secretary of Transportation Boyd informed the Congress would be the practice in any case. 114 Cong. Rec. 9679 (daily ed., July 29, 1968). The Secretary may, however, reject a state determination of customary use when he determines that it fails to meet an acceptable minimal level. See South Dakota, at 341. At the same time this amendment was adopted, Congress refused to extend similar authority to the states for areas designated commercial or industrial under agreement with the Secretary.

The states clearly have the power to zone land and to set standards for signs in commercial and industrial zones. However, it is equally clear from the Congressional rejection of amendments to reduce the Secretary's control over unzoned areas that Congress intends that the Secretary retain authority over those areas and use the penalty provision of the sections. Under subsection (f) of section 131, the Secretary must, in consultation with the states, provide for signs giving information to travelers within the interstate rights-of-way. These signs, which are intended to be state signs, must conform to national standards issued by the Secretary. The legislative history indicates that the Secretary is to permit brand names of products to be displayed to the extent that such names would be useful to the public. S. Rep. 709, 89th Cong., 1st Sess. 5 (1965). The Secretary's control over characteristics and location of these signs gives him final authority in placing such signs even though he must consult with the states.

In summary, until the enactment of the 1976 amendments, the Act delineated varying degrees of authority for the Secretary depending on the location and nature of a sign. Although responsibility for providing "effective control" over signs rests with the states, it is the Secretary who determines what state statutes meet the criteria of subsection (c) and effectuate the purposes of the Act set forth in subsection (a). Except for the 1968 amendment that allowed states to determine "customary use" of signs in commercial and industrial areas, the amendments have expanded the provisions of the Act that control advertising without reducing the federal role. As the court stated in South Dakota:

> [N]othing within the legislative history. . . precludes the Secretary's overall supervision and exercise of power where local authorities have failed to measure up to the objectives of the Act. The Secretary has the responsibility to police performance of the agreements, to promote the reasonable orderly and effective display of outdoor advertising adjacent to our federally assisted highways." South Dakota, at 344.

1976 Amendments

The Federal-Aid Highway Act of 1976 amends subsection (i) (above) to provide more information to motorists. Subsection 122(a) of the 1976 Act extends provision for signs at rest areas to the primary highways. There is not any indication in the language of the amendment or in its legislative history that Congress intended to expand the states' control.

Subsection (i) of the Act, 23 U.S.C. 131(i), which allowed information centers and advertising pamphlets at safety rest areas, has been expanded by subsection 122(a) of the 1976 Act to permit "other travel information systems within the rights of way. . ." These additional information systems may be provided only with the Secretary's approval. H.R.Rep. No. 94-1017, 94th Cong. 2d Sess. 49 (1976).

Section 122 of the Federal-Aid Highway Act of 1976 adds three new subsections to section 131. These subsections provide further guidance to the Secretary in administering the national sign removal program, indicating Congressional concern that travelers receive information. They do not, however, shift control of the program from the federal government to the states.

New subsection (o) provides:

> (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.

The language of subsection (c) is permissive (note underlined language). It gives the Secretary discretion over whether or not to permit signs to remain rather than being taken down. Moreover, the state must demonstrate the directional nature of the signs and the economic hardship that will result from their removal in order for the Secretary to consider the request. The legislative history of this subsection indicates that the state will determine economic hardship, but in so doing a state may not rely on individual claims of economic hardship. H.R. Rep. No. 94-1617, 94th Cong., 2d Sess., 49 (1976). The Secretary must still review and approve the state's decision since, like the state, he may not rely on individual claims. Id.

In discussing the determination of economic hardship, the legislative history also calls attention to the provision in subsection (d) that state authority to zone areas for industrial or commercial use shall be accepted for the purposes of this Act. That provision of subsection (d) has been in the statute since 1965. As discussed above, it has been interpreted to permit the Secretary to refuse to recognize "strip zoning" along highways. This reference does not shift the federal and state roles. Its inclusion probably reflects the Committee's view that determination of economic hardship requires knowledge of local conditions, as does zoning. In view of the case law and legislative history, any such curtailment of the Secretary's authority to disregard strip zoning would require an amendment to the Act.

The other new subsection that is pertinent to the roles of the federal government and the states, subsection (q), provides:

> (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 esthetically 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 non-conforming signs are removed.

This section does not dilute the Secretary's authority. The direction to the Secretary to revise the standards or directional signs is intended to provide travelers with sufficient information. It does not lessen federal control of outdoor advertising. Indeed, this direction to the Secretary explicitly recognizes his authority to issue the standards. Paragraph (2) recognizes the Secretary's responsibility to direct the states in their sign removal programs. The guidance given the Secretary merely places in the statute the policy already set forth in the regulations. See 23 C.F.R. 750.304(a) (1976).

These new subsections, although taken from the highway bill introduced in the House of Representatives, do not indicate a shift from a federal to a state-run program. Although the sections give direction to the Secretary and allow certain existing signs to remain, the language of both recognizes the Secretary's role in managing advertising restrictions. Inclusion of a provision in the legislative history giving heavy weight to a state determination of economic hardship under one of these subsections does not shift control of the advertising program.

Acting General Counsel

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
WASHINGTON, D.C. 20591

OUTDOOR ADVERTISING CONTROL

IN REPLY REFER TO:

Comments made by
Mrs. Ruth R. Johnson
Outdoor Advertising Control Specialist
Scenic Enhancement Division
Federal Highway Administration

Presented to
the
AASHO Operating Sub-Committee
on Maintenance
Miami Beach, Florida
December 7, 1971

Federal interest in controlling outdoor advertising first appeared in 1956. Construction of the Interstate System commenced in that year and, as a result, public opinion rose sharply concerning the need to control outdoor advertising signs along the planned 41,000 mile network. Thus, in 1958, Congress took action by providing a voluntary program under which States could enter into agreements with the Federal Government to control outdoor advertising along the Interstate System, and thereby become eligible for a bonus payment amounting to 1/2 of 1 percent of the construction cost of the highway project. When the program expired on June 30, 1965, 25 States had entered into bonus agreements.

The Highway Beautification Act of 1965 extended outdoor advertising controls to the Federal-aid Primary System. This means that in addition to controlling approximately 42,500 miles of Interstate highways, as the system is presently conceived, the controls now extend to approximately 266,000 miles of Federal-aid highways. The 1965 Act, however, abandoned the bonus or "carrot" approach by requiring all States to make provisions for effective control of outdoor advertising within 660 feet of the right-of-way of these highways or lose 10 percent of their Federal-aid highway funds.

Effective control as provided by Congress is based upon the premise that outdoor advertising is a legitimate business and as such should be allowed to locate where other business is conducted. On the other hand, the rural countryside should be protected for the enjoyment of all Americans traveling our Nation's major highways. For this reason, signs are permitted in commercial and industrial areas, subject to size, lighting, and spacing requirements as determined by agreement between the several States and the Secretary. Outside of commercial and industrial areas only on-premise advertising and directional or other official signs are permitted. On-premise signs are not subject to control under the 1965 Act, but directional signs are subject to strict national standards.

In order to provide for effective control and to accomplish these goals each State must enact a law in compliance with the Federal requirements and enter into an agreement with the Secretary. This is what we term stage one of the program -- "gearing up."

As a result of Congressional action in 1970, authorizing $97.5 million for outdoor advertising control under the Highway Beautification Act for fiscal years 1971 to 1973, Secretary Volpe lifted a previously imposed moratorium on the penalty provisions of the Act and urged all of the States to "gear up" in 1971. We are now at a point where stage one is almost completed. 26 States have an acceptable law and agreement; 11 States have an acceptable law and negotiations are underway on an agreement; and six State legislatures are in session considering a compliance bill.

Only nine States have either taken no action to comply or have enacted laws which are considered unacceptable.

Thus, most States are now embarking upon stage two of the program, which is enforcement of the law and removal of nonconforming signs.

ENFORCEMENT

Solely at the State level are the procedures and machinery by which the program is enforced and made applicable to the highways of a State. If the program is to operate smoothly and effectively, the State must provide adequate enforcement teeth to carry it out. These include permits, licenses, taxing, inspection, hearings, and penalties, or combinations thereof.

Very often the terms license and permit are used synonymously. However, in an outdoor advertising control program they generally represent two distinct regulatory techniques. A license requirement usually means that an individual or company must obtain a license to carry on the business of outdoor advertising within the State. Occupational licensing is justified under the law as a protection for the public.

This procedure is particularly helpful in regulating out-of-State companies which are often criticized for outdoor advertising sign abuses. Licensing also helps control so-called "fly by night" operations.

A license fee may be exacted under the State's taxing power for revenue producing purposes or under the State's police power for regulatory purposes.

Certain conditions may be attached to the issuance or renewal of a license and penalties imposed for noncompliance. These include revocation or suspension of the license or the removal of a company's signs within the State. In some States a performance bond and liability insurance are also required as a condition to the granting of a license to guarantee compliance with State requirements.

On the other hand, a permit system represents the means for assuring that State requirements are met concerning the erection and maintenance of individual signs. Like a licensing procedure, penalties may be imposed for noncompliance with

the permit requirements such as revocation of the permit and removal of the offending sign. Permit fees are not normally exacted under the State's taxing power and therefore must be reasonable in relation to the cost of administering the program. It should also be kept in mind that while fees may differ depending on variables such as sign size, the fees charged cannot be used arbitrarily to discourage a particular practice. For example, it would be doubtful that a court would uphold a $100 permit fee for signs within 50 feet of the highway right-of-way and a $5 permit fee for others.

A typically good permit system starts with a permit application for each sign face or sign structure. All pertinent information needed would be supplied by the applicant and certified. After approval the applicant is issued a permit number which must be placed on each sign face or sign structure. The permit color may also be changed each year for easy identification of signs having outdated permits. Enforcement is carried out by a highway beautification or advertising control division of the State highway department. This division routinely follows up on complaints regarding violations of the law and drives the State highways to check permit tags. When a sign is found without a permit tag, the owner is given notice by registered mail and a reasonable time to remove the sign or obtain a permit. If suitable response is not made, the sign is removed by the State.

In connection with permits we are most often asked two questions: First, how does the State obtain up-to-date information regarding commercial and industrial zoning within the State, and secondly, what is the best way to proceed when local municipalities within the State also require permits for signs. One simple way to handle both problems is to require an applicant to submit documentation of local zoning classification and an approved local permit as a condition for approval of the State permit.

With regard to zoning generally, the State highway department should also obtain copies of local zoning maps and make arrangements with local authorities to receive notice of all rezoning classifications adjacent to Interstate and primary highways. The North Carolina outdoor advertising control Law, for example, requires all zoning authorities to give written notice to the State highway department by registered mail of the establishment or revision of any commercial and industrial zones within 660 feet of Interstate or primary highways. The notice must be sent within 15 days after the effective date of the zoning.

The outdoor advertising industry generally does not favor overlapping local and State permit systems for the obvious reason that such a procedure is costly, time consuming, and complicated. There can be situations where a town, a county, and the State each require permits, thus complicating the procedure even further. Where State law allows, the procedure may be simplified by requiring only approval at the State level where local permit requirements exist. In other words, the State would simply be saying to the local authorities -- if you grant this permit it will not violate State law. This type of procedure has an additional side advantage where local controls are more restrictive. For example, if an existing sign complied with State law but the State denied a permit because the local permit had not been granted, the sign would become illegal under both State and local law and serious questions could arise concerning which jurisdiction is to assume responsibility for its removal.

Another way to avoid this confusing situation is to grant a State permit without regard to local permit requirements. However, it should be made clear on the permit that such approval in no way supercedes local requirements which may be more restrictive.

In our review of State laws we have also found that permits for directional and other official signs are often overlooked. Granted that permits should not be required for purely official signs, the directional sign category will include signs pertaining to certain privately operated places. These signs are subject to national standards; without a permit requirement the State cannot adequately enforce such regulations. Additionally, in bonus States certain on-premise signs are subject to regulation along the Interstate System and should likewise require permits. A few States have no permit requirements for pre-existing nonconforming signs. In such cases, the State will be required to conduct an extensive and thorough inventory or it will never be able to ascertain which signs are legally in existence and nonconforming from those which have been illegally erected without a permit.

Most States are able to remove signs which have been illegally erected under statutory nuisance or misdemeanor provisions or both. When the statute declares such signs to be a public nuisance, the State is granted authority to abate the nuisance in accordance with certain procedural steps without the necessity of court action. Where a statute provides only that such offenses will constitute a misdemeanor, the State must prove its case in court. This latter procedure is, of course, costly and time consuming and should be avoided as a sole means of enforcement.

Without adequate enforcement provisions such as those I have mentioned, the very best regulatory laws can, in practice, become worthless. Even when the enforcement provisions are themselves adequate, there can be serious enforcement breakdown due to inadequate enforcement personnel or procedures.

What do we mean by enforcement breakdown? Some actual situations which have come to our attention will help illustrate these problems. When the sign inventory was conducted in 1966, it revealed that 10% or just over 100,000 advertising signs were on the State highway right-of-way. Although not all of these were in violation of law, in most instances they represented illegal encroachment under existing State statutes. This situation was due obviously to either inadequate enforcement teeth or a breakdown of enforcement procedures.

There were also instances where although there was a violation of a State statute, enforcement was left to local officials. In most of these cases the regulatory enforcement provisions were sound and well written, but, the law was ineffective because of an enforcement breakdown. We have recently reviewed a Kansas bill which contained this same potential pitfall.

Very often when enforcement procedures are inadequate, very substantial sums may be invested in a particular sign and after it has been erected, a violation of State law will be discovered. When the sign owner is notified to remove the offending sign, almost invariably two situations occur which could have been avoided. First, the State highway department establishes poor public relations in its dealings with the public, and secondly, the sign owner will litigate the case in court in an attempt to preserve his investment.

As we all know, an ounce of prevention is worth a pound of cure. To prevent the erection of signs which violate State law and to prevent other related incidents which could occur is certainly less costly to both the citizen and the State than to correct and make reparations, once these events have occurred.

A dramatic illustration of this point was recently brought to light. In this particular case, the State had an adequate permit system and all of the signs in question were under permit and lawfully erected, but the trees on the right-of-way which partly obstructed the signs were killed - or chopped down - over 1500 of them along one stretch of highway. In addition, the grass and shrubs on the highway right-of-way were cut or killed to insure visibility of the signs. Under State law this was a criminal offense, but no one had caught the offenders in the act so that they could be brought to court. This distressing situation could have been cured by providing civil sanctions as well as criminal sanctions for such a vicious practice. A license requirement, for example, could have provided that damage to plant materials on the highway right-of-way in near proximity to the company's signs would be grounds for revocation of the license. Performance bonds or liability insurance, if required, could have been used to pay for such damage. In fact, the threat of such penalties can often deter such an event from ever occurring. Additionally, criminal action should be instituted even though the offenders are not caught in the act. As a start, we intend to insist that State highway departments promptly notify the State Police or State Highway Patrol of all such criminal violations.

REMOVAL

After the State law is enacted and the State organizes its enforcement mechanism so that the program is underway and is being actively implemented, the next step is to commence the removal aspects of the program.

Here we get into two types of nonconforming signs which must be considered. First, those signs which are lawfully in existence and located in a prohibited location, such as rural areas, where they must be removed, and secondly, those signs lawfully in existence in a permitted location such as commercial and industrial areas, but which do not conform to size, lighting, and spacing requirements. This latter group may be "grandfathered" administratively, which means they would not be required to be removed even though they are nonconforming.

I wish to underscore the words "lawfully in existence" with regard to those signs which must be removed. The Federal law does not require just compensation for the removal of signs which are illegal under State or local law. Failure to obtain a permit, for example, is a violation of State law which renders a sign illegal. Throughout the States we have been receiving reports that thousands of signs have been removed once the State institutes its permit system. South Dakota has reported that over 14,000 signs have been removed for this reason alone. Typically, along the rural countryside, many obsolete and abandoned signs are still in existence, but no one has bothered to remove them. The owners of many other signs may not consider their signs worth the price and bother of obtaining a permit. Virtually all State statutes provide that the State may remove these signs, but some provide that the owners must be billed for the cost of removal. Where the

State removes these signs at State expense, Federal funds may participate in 75% of the cost of such work as a force account item. We have encouraged all States to commence the removal aspects of the program by removing illegal, abandoned, and obsolete signs first. Based upon the reports we have received thus far, we believe that this approach will have a substantial impact on the total number of signs to be removed.

Beyond this, we believe the States should schedule their removal programs on a priority basis tailored to meet the individual needs of the State. A Federal Highway Administration Notice dated April 16, 1971, contains a recommended order of priority for sign removals which can be used as a guide.

First on the list is hardship cases. An outdoor advertising company may request that the State acquire all of its nonconforming signs first due to some economic hardship. Certainly these requests should be granted as promptly as possible. The State of Utah, for example, is proceeding along this line.

Another priority would be to remove signs along scenic highways or other scenically beautiful stretches. Often, the State may receive many citizen complaints concerning signs along a particular route. A sign removal project along such a route would be responsive to the public and would also have a dramatic impact on the environmental improvement of the highway. The State of Colorado plans to proceed with a project of this type.

Some States, like Maine, have decided that priority schedules should be based upon keeping the program administratively as simple as possible. The State highway attorney there calls it the "kiss approach, meaning, "Keep it simple, stupid." The State has therefore proceeded to negotiate for the

acquisition of signs on a company-by-company approach. All of the nonconforming signs of a particular outdoor advertising company would thus be acquired at one time, similar to the Utah situation, except for a different reason.

Other States, such as New Mexico, have indicated a desire to remove signs on the basis of message content, to a certain extent, so that tourist oriented directional advertising would be last in the order of priority for removal. Since the Highway Beautification Commission, created by Congress, has been mandated to study directional signing of this type, we have no objection to such a sign removal schedule.

At present funding levels, we anticipate the removal of all nonconforming signs over a 5 to 6 year period. We would recommend that each State schedule sign removals over a similar period of time. The Federal law specifically provides that signs need not be removed unless Federal sign removal funds are available. Thus, if Federal fiscal priorities dictate a slowdown or temporary halt in the 5 to 6 year period, the States' sign removal schedules can be deferred until Federal funds become available. However, it must be kept in mind that Federal funds may not participate in the removal of certain signs, such as those erected after October 22, 1965, and prior to January 1, 1968. These signs may be removed by amortization or other police power techniques without the payment of just compensation, at the option of the State. They may also be programmed last in the order of priorities for removal.

In most of our agreements with the States, the so-called "grandfather clause" is provided for pre-existing signs in commercial and industrial areas.

The size, lighting, and spacing requirements therefore have application only to new signs to be erected. However, it is important to remember that the grandfather clause only conveys a special right or privelege when the sign does not comply with the requirements. Legally speaking, the grandfather clause as applied to nonconforming signs is a protection for "vested property rights." In such a case the grandfather rights take in only the individual sign at its particular location for the duration of its normal life subject to customary maintenance. Any major changes in the structure or location would require the changed sign or sign location to conform with the requirements regardless of whether the change was deliberate, accidental, or by Act of God. This is so because the basic tenet of land use controls as applied to nonconforming uses is to eliminate such uses as speedily as possible. Thus, obsolescence, destruction, and similar factors act as limitations upon the continuance of a nonconforming use so that the ultimate ends of the particular land use control law will be accomplished.

This position was the basis for a New York decision involving a situation where the State acquired a portion of land where a sign was erected for a highway widening project. The sign was relocated on the same land, but then came within the provisions of the outdoor advertising control requirements. The court held that the applicants were not being deprived of vested property rights because their signs were erected after the effective date of the statute. The court said simply, "Relocating is the same as erecting." (New York Thruway Authority vs. Ashley Motor Court 210NYS 2d 193)

With this in view, the terms "maintain" and "allow to exist" as defined in the State's regulations become extremely important. The terms may include change of advertising message, customary maintenance and repair, but may not include replacement, reconstruction, relocation, major alteration, or similar actions. Often we are asked whether a grandfathered sign may have its advertising space changed from a poster panel size of 300 square feet to a painted bulletin size of 600 square feet or more. The answer is obviously that it cannot. Another more difficult question is whether a wooden sign structure may be replaced with steel. The answer to this involves a distinction between customary maintenance and reconstruction. Colorado and a number of other States have taken care of this problem by simply providing that any repair which exceeds 50% or more of the replacement cost of the structure shall be deemed reconstruction. Here again, a good permit system will provide the proper enforcement of nonconforming signs which come under the grandfather clause.

As I mentioned before, outdoor advertising controls at the Federal level came about as a result of public concern. We are now living in a dynamic era of change brought about by public concern, and heading the list is environmental protection. The Highway Beautification Program, despite all of its controversy, stands as a monument to human concern for our environment and a forerunner of things to come.

OUTDOOR ADVERTISING CONTROL

STATUS AS OF 12-1-71

Satisfactory Law and Agreement

1. Alaska
2. California
3. Connecticut
4. Delaware
5. Hawaii
6. Kentucky
7. Maine
8. Maryland
9. New York
10. Rhode Island
11. Utah
12. Vermont
13. Virginia
14. West Virginia
15. Wyoming
16. Idaho
17. New Hampshire
18. Colorado
19. Oregon
20. Indiana
21. Washington
22. New Mexico
23. Minnesota
24. Arizona
25. District of Columbia
26. Puerto Rico

Satisfactory Law - No Agreement as yet

1. Arkansas
*2. Louisiana
3. Nevada
4. North Carolina
5. North Dakota
*6. Mississippi
7. Montana
8. Georgia
9. South Carolina
10. Massachusetts
11. Illinois (provided Governor vetoes certain provisions)

* These States have minor deficiencies in the law which can be worked out by agreement.

1971 Legislative Session Ended - No Compliance Law

1. Kansas
2. South Dakota
3. Nebraska
4. Texas
5. Tennessee
6. Oklahoma
7. Iowa
8. Missouri
9. Wisconsin

Penalty Letter Sent - Curative Action Taken

1. Indiana - agreement between Secretary and Governor
2. Georgia - special session
3. Montana - special session

Legislature Still in Session - Compliance Law Needed

1. New Jersey
2. Michigan
3. Ohio
4. Pennsylvania

Special Session of Legislature - Compliance Law Needed

1. Florida
2. Alabama

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

SUBJECT	Outdoor Advertising Control Highway Beautification Act of 1965	FHWA NOTICE

September 1, 1971
EV-30

In May 1971, Secretary Volpe participated in the removal of the first billboard to be taken down utilizing funds authorized for this purpose by the 1970 Highway Act. This was in Freeport, Maine. More recently, the Secretary visited Colorado, Utah, Idaho, and Wyoming to take part in similar ceremonies. The Secretary intends that these ceremonies will mark the beginning of a vigorous, on-going program of sign removal under the Highway Beautification Act of 1965.

Accordingly, those States in full compliance with Title I of the 1965 Act should request funds for sign removal, if they have not already done so. State requests should be based on completing, during fiscal year 1972, a reasonable portion of the State's total sign removal program. In his testimony before Congress concerning the 1970 Highway Act, Secretary Volpe indicated that the Department planned a 5- to 6-year sign removal program. Congress endorsed this by authorizing the full amount of the Department's 1970 Act request. This year, Congress further recognized this goal by establishing a $40 million obligational limit on highway beautification. State requests should thus approach or equal one-fifth or one-sixth of the State's total needs. Also, we will give favorable consideration to requests for an accelerated program which would lead to the removal of all nonconforming signs in a State in 1 or 2 years.

Several States have removed large numbers of abandoned signs, or signs rendered illegal by virtue of the owner's failure to secure the necessary permit. We would encourage all States to consider this type of removal on an accelerated basis to achieve maximum impact at a minimum cost. Federal funds will participate in force account work to remove abandoned or illegal signs, provided said work is performed in accordance with State law. The restrictive dates contained in 131(g) of the Highway Beautification Act of 1965 will not govern Federal participation in State costs of this type, since these dates only apply to compensation to sign owners and landowners. In other words, Federal funds may participate in the State's cost of removing abandoned or illegal signs regardless of when these signs were erected.

F. C. Turner
Federal Highway Administrator

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January 4, 1967

MEMORANDUM FOR: Mrs. Lyndon B. Johnson
The White House

FROM: Alan S. Boyd (sgd) Alan S. Boyd
Under Secretary for Transportation

SUBJECT: Status Report on Highway Beautification Program

I am transmitting for your information a report on the Highway Beautification program and a summary of issues faced in establishing standards to control outdoor advertising along the Federal-aid Interstate and primary highway systems. A report on the cost of the program and proposed standards is to be transmitted to the Congress by January 10. Also included is a review of legislative items which may be proposed by either opponents or proponents of the beautification program. The Administration has no plans to recommend changes in the law during this session. At best another year of program experience and application should elapse before plans are considered to modify the present program.

Attached as appendices and briefing papers covering (1) status of proposed outdoor advertising regulations and the proposed standards and criteria before the Secretary of Commerce for approval; (2) program cost estimates and economic impact; and (3) legislative proposals under consideration by various factions.

Discussion of Program Costs and Economic Impact

Estimated costs range from a minimum program of $1.8 billion to a maximum program of $2.9 billion and cover (a) control of outdoor advertising and junkyards; (b) bonus payments carried over from the 1958 Act; (c) motor service informational signs on the Interstate System, and (d) landscaping and roadside development.

The variables in costs between the two program alternatives are in landscaping and scenic enhancement, since advertising and junkyard control costs are the same for both programs. Final adoption of either plan will depend upon the availability of funds and the time frame scheduled for advancing the program. It may be desirable to use them in selective

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combination so that more intensive application is programmed in areas of greatest demand for scenic enhancement. Under any circumstances we are dealing with a 5 to 10 year program running at an approximate annual level of from $100 to $100 million. The decision has been made as to whether the program should be 100 percent Federal or on a matching grant basis reflecting formulas in the Federal-aid highway program. If the present law prevails, we are talking about a 100 percent Federal program in the area of landscaping and scenic enhancement (except for certain projects in the right-of-way which are considered a cost of highway construction).

The Administration will recommend to Congress that highway beauty costs along with costs of highway safety be financed initially from a separate trust fund supported by two percentage points of the automobile excise tax (about $480 million per year). Proposed annual authorizations in fiscal years 1968 and 1969 for the beautification program of $160 million and $220 million respectively also will be recommended. This compares with a level of $70 and $80 million for fiscal years 1966 and 1967. In the light of program experience to date, the slow start by the States in getting the program underway, and the pressures for economy in the public sector created by the Viet Nam situation, these levels are believed ample to permit continuation of the program at a reasonable rate.

As indicated in Attachment 2, the measurable economic impact appears to support previous conclusions that highway beautification provides an overall gain to the Nation's economy. It should be emphasized, however, that the economic impact studies are incomplete as of this date and the information available permits only careful predictions. Further, we must also recognize that an overall national benefit is of little comfort to businesses who see their profits reduced by advertising control and to labor interests that face possibilities of reduced employment. Undoubtedly, the industry and unions will present their own economic impact conclusions during the next session of the Congress claiming substantial economic net loss to the Nation under the Highway Beautification program. We do not believe that an intelligent debate of this question can be mounted until all the studies now underway are completed.

The controversies engendered by the program are similar to parallel issues which arise in the fields of resource conservation, air pollution control, highway safety improvement and general aesthetic, historical and cultural preservation, when the interests of powerful and articulate segments of our society and economy are prescribed. It is an interesting test of the political impact of opposed idealogies and attitudes which grow from the phenomena of adjusting overall social and aesthetic aspirations of an affluent society to conventional economic attidudes in a free enterprise system where private interests are adversely affected by broader social objectives.

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Discussion of Current Issues Involved in Controlling Outdoor Advertising and Junkyards

The Department of Transportation will face a number of vexing issues during the coming year as outdoor advertising controls are promulgated. This period also will be critical to the achievement of long-range programs results. Before discussing these issues, I should like to briefly describe the steps taken during the last year by the Bureau of Public Roads in developing the proposed standards for control of advertising. Details are presented in Attachment 1. The Bureau of Public Roads, in my view, has done a magnificent job of holding the required hearings in all the States and providing to all parties of interest a fair and constructive forum in which to present their views. It has scrupulously followed an objective course in evaluating all viewpoints derived from hearings and from other comments submitted for consideration. The changes made in the final draft of standards and criteria from the initial January draft reflect the meaningful and constructive value of the hearing process.

As you know, the controversy concerns only 18% of the Interstate and primary Federal-aid highway systems since the other 82% will not be open to commercial advertising except for on-premise advertising. The controlling provisions of the law covering this 18% was a compromise between the contending factions and the result is that forthright and effective control desired by the conservationist who supported stronger measures is not possible. However, in this regard, the Department intends to adopt a vigorous role in maintaining inviolate the integrity and overriding objectives of the Act during the negotiations with the States on advertising controls which are to be imposed. Court action undoubtedly will occur before the advertising controls under this measure can be established by the States.

The standards and criteria proposed for control of junkyards, control of advertising on public lands, and standards for directional and other official signs and notices are not expected to be controversial. The proposed standards for information signs within the Interstate right-of-way provided for the traveling public may be criticized as being too restrictive by the industries served by such informational signs. However, this presents no insurmountable problem since such signs are subject to direct effective control by the Secretary. The above proposed standards are set forth in Attachment 1. Major controversy concerns the criteria which are to be followed in controlling size, lighting and spacing of signs permitted in commercial and industrial areas and the definition of unzoned commercial or industrial areas. The procedures followed in developing the recommended standards, comparison with the July 1966 standards and viewpoints of various interest groups are beiefly reviewed below and discussed in more detail in Attachment 1. Major controversy will be with the outdoor advertising industry and the reaction of their proponents in Congress, since most demands of the conservation groups have reasonably been met.

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Controversial elements of proposed criteria. The following elements of the proposed standards and criteria present the key issues:

1. "Grandfather clause provision" - Lawful signs in commercial or industrial zoned or unzoned areas which exceed maximum size requirement or do not conform to spacing requirements shall become non-conforming on January 1, 1968, but will not be required to be removed until end of fifth year thereafter.

   Discussion - This clause was not in July 1966 standards and was added at suggestion of state highway departments who contended that complex administrative problems would be involved in requiring earlier conformance. The National Advisory Committee on Highway Beautification (NACHB) recommended a ten-year period of grace (based on proposed 400 sq. ft. size limit). Industry stated that signs erected before 10/22/65 should be exempt from any size limitation. This provision has been recommended for inclusion in agreements only upon a showing by States that no compensation for removal of such signs will be required or will be materially reduced under State law.

2. Definition of unzoned commercial or industrial area - The controversial parts of this definition are the concept of "appropriate" vs. actual use, incorporation of requirement that there must exist two or more separate and distinct activities, and limitation to one side of the highway.

   Discussion: Industry contends that an unzoned area can be an area designated as appropriate for advertising as opposed to one actually used for commercial or industrial activity. The motel industry was particularly opposed to the limitation to actual use. The legislative intent appears clear that it refers to actual use. On the second point, the requirement that there must exist "two or more" commercial or industrial activities was included to reflect good zoning principles and thus avoid "spot" zoning. This added restriction (not included in the July standards) will affect approximately 35% of the 220,000 commercial and industrial unzoned areas adjacent to the Interstate and primary system which are based upon single activities. The beautification and conservation groups were particularly strong in their support of this limitation (it was included in the initial January standards) and strongly protested its deletion in the July standards. Inclusion in the October standards was based primarily upon the strong opinions expressed by the proponents. Exclusion of land which is on the opposite side of the highway from a commercial and industrial activity

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from the difinition of unzoned commercial or industrial areas has been strongly supported by the beautirication and conservation groups. This definition in general was strengthened in the October standards.

The October definition of commercial or industrial activities also was modified slightly to reflect the complexities of metropolitan zoning codes and to correct certain inequities pointed out by the industry. The industry continues to object to the exclusion from the definition of commercial or industrial such activities as agricultural, forestry, ranching, seasonal business or transient activities, railroads, etc.

3. Size of Signs - Limitation on size of signs in the October standards have been radically tightened over the July standards as follows:

	July Standards	October Standards
Maximum area ------	750 sq. ft.	550 sq. ft.
Maximum height ----	25 feet	20 feet
Maximum length ----	50 feet	45 feet

Discussion: The NACHB recommended maximum sizes of 400 sq. ft.; whereas the industry opposed the 750 sq. ft. maximum in its comments on the July standards and argued that anything less than 1,200 sq. ft. would be disastrous and flatly contrary to accepted custom. The October standards will undoubtedly cause eventual removal of the industry's most valuable structures; however, the "grandfather" clause would reduce economic hardship on the industry in terms of current investments. The beautification and conservation groups unanimously believe the 750 sq. ft. size as much too large. This issue was probably the most objectionable to beauty and conservation groups. Many contrasted this allowance to the 1958 national standards of 150 sq. ft. However, it must be remembered that the 1958 Act did not control advertising in commercial and industrial areas, thus this argument is not pertinent to the present issue of control in these areas. The Bureau of Public Roads did extensive analysis to determine the number and percentage of signs in specified sizes so as to derive a measure of industry usage. While most of the signs in use (97%) are within the allowable 550 sq. ft., about 44% of the larger and higher revenue producing painted bulletins and signs are above this maximum. The industry can argue a forceful case as to the economic impact and deviation from customary usage.

4. Spacing of Signs (except for intersection distances) - General provision is that signs may not be located within 500 feet of public parks, forests, playgrounds and state designated scenic areas; on Interstate and primary freeways the spacing shall be a minimum of 500 feet; on non-freeway primary routes the spacing shall permit two signs between intersecting streets less than 1500 or more feet apart.

Discussion: The industry argues that the 500 foot linear spacing is contrary to customary usage and is inflexible and impracticable since spacing cannot be uniform. Public Roads on the other hand argues that this requirement is supported by aesthetics, safety and maximum sign effectiveness. AASHO endorsed the spacing provision if a "grandfather clause" was included. The comments of the beautification and conservation groups were confined almost entirely to the fear that the new proposals would allow more signs than the original draft criteria in January.

The "two-per-block" rule has been incorporated in the standards to reflect the heavier sign density in built-up urban areas, permit ease of administration, and provide additional spacing flexibility to the industry. This latter rule is a change from the January standards which required adherence to minimum spacing of 500 feet in urban areas.

5. Spacing of Signs (restrictions at intersections) - On Interstate and primary freeways no sign shall be within 2000 feet of an interchange or intersection at grade.

Discussion: This represents a modification from the July standards which included restrictions on non-freeway primary routes. AASHO recommended this change arguing that the desired objective can be achieved under the general spacing provisions which prohibits location of signs in such a manner as to interfere with effectiveness of official signs or driver view of traffic. Also deleted from October standards, at request of National Advisory Committee, was provision of July standards which reduced distance from intersection to 1500 feet on Interstate and primary freeways where intersecting

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highways were less than 1.5 miles apart. The industry generally attached the proposed spacing restrictions at intersections as being inflexible, arbitrary and unreasonably restrictive, and also contends that there are no safety consideration which warrant its adoption. The conservation and beautification groups opposed any consession which allow signs near intersections and will continue to oppose the recommended elimination proposed in the October standards of minimum distance requirements on non-freeway primary highways. Although there are wide differences of opinions on sign restrictions near interchanges, the Bureau of Public Roads believes it indisputable that to the extent an outdoor advertising sign achieves its purpose of attracting attention, it also succeeds in distracting the motorist from his driving responsibilities which are particularly critical from a safety standpoint at approaches to interchanges and intersections. Thus the major support for this proposition is the safety factor. The overriding interest of safety strongly argues for a more rigid rule in this area even if it overrides customary usage. Many signs will become non-conforming as a result of the 2,000 foot rule since on a nationwide average 57 percent of all signs adjacent to rural freeways are within 2,000 feet of an interchange or intersection. On urban freeways this would increase from 72 to 79 percent depending upon interchange spacing. AASHO and Public Roads believe, that on non-freeway primary highways, the general rules about non-interference with effectiveness of traffic control devices will provide the necessary flexibility to achieve the desired results in terms of traffic safety.

6. Lighting - The October standards continued the previous regulation that prohibits flashing, intermittent or moving lights, as well as signs which are not effectively shielded to prevent beams or rays of light from being directed at any portion of the travelled way. Lighted signs will not be permitted if they interfer with official traffic signs. This regulation does not apply to public information signs.

   Discussion: These lighting restrictions were in the July standards and were not changed in the October standards. There has been only little objection to this standards.

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Summary of Outdoor Advertising Industry Position

The industry's position is that the Secretary cannot unilaterally issue national standards for outdoor advertising controls in commercial and industrial areas but that they must be developed by mutual agreement between the Secretary and the several States. They interpret the law as excluding application of the overall objectives of the Act (i.e., to protect the public investment in such highways, to promote the safety and recreational value of public travel, and to preserve national beauty) to restrain advertising in zoned or unzoned commercial and industrial areas under State/Federal agreement as permitted in Section 131 (d) of the Act. Their interpretation also is that controlling standards established under such agreement must be consistent with industry standards and accepted practices in any given area (customary usage) including criteria applied to size, lighting and spacing of outdoor advertising. The statutory objective in Section 131 (d) to promote the "reasonable, orderly and effective display of outdoor advertising" cannot be realized, in their view, without extensive use by the advertising industry of the commercial and industrial areas which are adjacent to the primary and Interstate Systems. Industry counsel has submitted a brief to the Department stating that the July 1966 standards proposed by Public Roads were developed under procedures which disregarded the intent and purposes of the Act and that standards proposed in July 1966 on size, lighting and spacing of signs are inconsistent with customary usage, thus preventing rather than promoting the "reasonable, orderly and effective" display of outdoor advertising. State zoning laws with respect to commercial and industrial areas also are considered overriding and permissive practices must be accepted by the Secretary unless they arbitrarily depart from State laws. In conclusion, industry counsel states that the Bureau of Public Roads has taken an approach to the drafting of guidelines for agreement with the States that disregards the language of the Act and clear Congressional intent.

Position of Staff in Department and Bureau of Public Roads

While as yet there is no established Department position, recommended staff positions are before the Secretary for decision which stand in dramatic opposition to the industry's philisophy and interpretation. Staff agrees that criteria for control of size, lighting and spacing of signs in commercial areas are to be reached by agreement between the Secretary and the several States. The record clearly shows that interested State agencies, the affected industry and conservation and beautification groups all have participated extensively in the hearings held in all the States. The State highway departments also have worked cooperatively with the Federal Government in developing the proposed standards and with minor exceptions their national organization (AASHO) has endorsed the proposed guideline standards. Thus each State has the same information and data available on which future negotiations can be based. Public Roads cites this as evidence that the States have been fully consulted on each step of the way as a prelude to

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negotiation of agreements. Staff support the view that the broad purposes of the Act do override the requirement that the guidelines and criteria be developed to promote orderly development of the advertising industry. The unfettered interpretation of "customary use" as desired by the industry could imperil national program objectives if the result is wild proliferation and further aesthetic deterioration along the commercial and industrial segments of the Interstate and primary system. On the other hand the industry believes it inconceivable that the Congress has any intent of "beautifying" commercial and industrial areas. It must be remembered that while such areas may account for only 18% of the major highways of the Nation, these segments are largely in urban areas where the density of travel is heaviest and where the needs for recreational travel protection are most critical.

The industry appears to be asserting to some degree an absolute and inherent right to invade the highways with their advertising devices without regard to national objectives. No such right can exist since the privileges granted to them in the Act are tempered by the objectives of the Act. The staff believe that the tests to be applied in judging the legality of criteria embodied in agreements between the States and the Federal Government, must be based upon reasonableness -- reasonableness to insure minimum compliance with the overall purpose of the Act and reasonableness in the State's power exercised to control advertising. If the Congress had intended proliferation of signs in commercial and industrial areas and freedom of action under the guise of customary usage it would have so stated and not bothered to establish the statutory requirement for agreements to control advertising. It seems clear that minimum standards were intended and that the Secretary has been given responsibility for establishing a floor to assure consistency with the national objectives of the Act. He was also provided with instruments of enforcement (cutbacks in highway funds) to achieve these objectives.

Conclusion

The above discussion clearly draws the issues by which the effectiveness of outdoor advertising control will be tested. The issue is not whether there should be controls but how the Secretary is to reach agreement with the States. The Department at this time cannot promulgate national standards but must announce criteria and guidelines which will serve as the basis for agreement with the several States. The standards proposed as guidelines by Public Roads are constructively strict for they have been framed with the overall objective of the Act in mind. During the negotiations there may be some variance from these guidelines but only so long as customary use and national objectives are consistent. Should any State agree to the Department's standards and criteria no further negotiation would be required.

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The Department has under discussion the most appropriate way in which to undertake meaningful negotiations with the States for the formulation of specific State standards to carry out the purposes of the Act. A second and perhaps more serious issue in the threat posed by industry effort at the State legislative level to liberalize State Zoning laws for commercial and industrial areas. As you know, the law is clear in stating that States will continue to have full authority over their zoning laws and their acts will be accepted for the purposes of the Act. It is in this case where the proponents of the highway beautification program should concentrate their future efforts to protect the program goal which you and the President have expoused.

Status of Recruitment to Fill Position of Highway Beauty Coordinator

You also asked me the status of filling the position of Beauty Coordinator in the Bureau of Public Roads. This position was established at a GS-17 level and the qualifications were written for it in such a way as to attract a candidate of the highest calibre and with the broadest background and experience in resource conservation and aesthetic considerations in public works type programs.

Many efforts to recruit an individual for this position until recently have been unsuccessful. This has included soliciting recommendations from Lawrence Rockefeller, Secretary Udall and several conservation organizations.

Following the election in November and upon the advice of Liz Carpenter, we contacted Senator Fred Farr of California concerning the position. Considerable material explaining the program and the position of Coordinator was sent to him for his consideration. He visited us on December 9 and discussed the program and the specific position. He indicated that he was somewhat interested but wanted time to think it over during a vacation trip to Mexico City to visit his daughter. He was given additional information on the program at that time and was told that it probably would be expanded in the new Department of Transporation.

He called/on us December 29 and indicated that he was interested in the position. He expects to be in Washington about January 15 with the expectation that he will be able to meet the new Federal Highway Administrator. Senator Farr indicated that if there is mutual agreement, he will accept the position.

I hope that this explanation plus the information provided in the attachments will provide to you an adequate explanation of where we stand today in this important program. I shall be glad to provide further explanations and would appreciate your views on these issues.

Attachments

PLSitton:kam 1/4/67
cc: Mr. Boyd (2)
Mr. Bridwell
Mr. Sitton (Mr. Julian)
UST Reading Files

Form FHWA 121 (Rev. 8-73)

15

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

DATE: July 17, 1978

SUBJECT: INFORMATION: Bus Shelters with Advertising

In reply refer to: HOA-3

FROM: Executive Director

TO: All Regional Federal Highway Administrators
Regions 1-10 and 15

It has come to our attention that many local jurisdictions are seeking to negotiate agreements with private companies for the free installation and maintenance of bus shelters along highways in urbanized areas, in return for the granting of a franchise to sell advertising space on portions of the shelters. We recognize that this is an attractive proposition for local government, both from an economic and fiscal point of view, and in the interest of promoting public mass transportation.

Since some of the roadways along which these shelters would be installed are covered by Federal-aid highway project agreements, the provisions of 23 CFR 1.23 are applicable. In FHWA Order 1-1, the authority to make determinations under that regulation is delegated to the Regional Administrators (with further authority to redelegate to the Division Administrators). The purpose of this memorandum is to provide you with some guidance for the exercise of your discretion under 23 CFR 1.23.

In determining whether a facility installed on the right-of-way of a previously approved Federal-aid highway project is permissible, the mere presence of advertising, which is understood to be the source of profit for a private enterprise, would not always render impermissible an otherwise permissible use of the right-of-way for a highway or other public purpose. However, there should be satisfactory assurance that such use will not impair the highway or interfere with the free and safe flow of traffic thereon. The same advice would apply to the approval of new Federal-aid highway projects when such facilities are in existence on the right-of-way.

We have conducted an informal review of a bus shelter program which has been in effect in New York City for the last three years, and it is our opinion that the presence of shelters of this design, with their limited use for advertising, is not inconsistent with

the purposes of 23 CFR 1.23 in urbanized areas. Since the various jurisdictions interested in these programs should be allowed enough flexibility to resolve competing interests in light of their own particular local conditions, we see little need at the present to impose specific restrictions on the approval of these programs.

At this time, we only require specifically that State or local jurisdictions award bus shelter franchises on the basis of public invitations, and that equal access should be provided to all qualified advertisers at reasonable rates. Proposed bus shelter franchise agreements should be reviewed, however, to assure that adequate controls are provided over items such as, but not limited to, location (site specific), design, amount of advertising space, and advertising content.

The previous advice on this subject from the Office of Traffic Operations, provided in a memorandum dated April 26, 1978, and in an attachment thereto dealing with a Minnesota request, is rescinded and superseded by this memorandum. We are, however, interested in taking a continuing look at bus shelter programs as they are put into operation. Thus, those programs that are approved should be subject to continuing review and informational reports should be prepared for the Office of Traffic Operations. These reports should provide a basis for evaluating the approaches taken at local, State, and Federal levels to exercise control, and determining what appropriate Federal Highway Administration policy should be in this area.

L. P. Lamm

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION:** Guidance on Off-Premise Changeable Message Signs

Date: September 25, 2007

In Reply Refer To: HEPR -20

From: Original signed by:
Gloria M. Shepherd
Associate Administrator for
Planning, Environment, and Realty

To: Division Administrators
Attn: Division Realty Professionals

Purpose

The purpose of this memorandum is to provide guidance to Division offices concerning off-premises changeable message signs adjacent to routes subject to requirements for effective control under the Highway Beautification Act (HBA) codified at 23 U.S.C. 131. It clarifies the application of the Federal Highway Administration (FHWA) July 17, 1996 memorandum on this subject. This office may provide further guidance in the future as a result of additional information received through safety research, stakeholder input, and other sources.

Pursuant to 23 CFR 750.705, a State DOT is required to obtain FHWA Division approval of any changes to its laws, regulations, and procedures to implement the requirements of its outdoor advertising control program. A State DOT should request and Division offices should provide a determination as to whether the State should allow off-premises changeable electronic variable message signs (CEVMS) adjacent to controlled routes, as required by our delegation of responsibilities under 23 CFR 750.705(j). Those Divisions that already have formally approved CEVMS use on HBA controlled routes, as well as those that have not yet issued a decision, should re-evaluate their position in light of the following considerations. The decision of the Division should be based upon a review and approval of a State's affirmation and policy that: (1) is consistent with the existing Federal/State Agreement (FSA) for the particular State, and (2) includes but is not limited to consideration of requirements associated with the duration of message, transition time, brightness, spacing, and location, submitted for FHWA approval, that evidence reasonable and safe standards to regulate such signs are in place for the protection of the motoring public. **Proposed laws, regulations, and procedures that would allow permitting CEVMS subject to acceptable criteria (as described below) do not violate a prohibition against "intermittent" or "flashing" or "moving" lights as those terms are used in the various FSAs that have been entered into during the 1960s and 1970s.**

This Guidance is applicable to conforming signs, as applying updated technology to nonconforming signs would be considered a substantial change and inconsistent with the requirements of 23 CFR 750.707(d)(5). As noted below, all of the requirements in the HBA and its implementing regulations, and the specific provisions of the FSAs, continue to apply.

Background

The HBA requires States to maintain effective control of outdoor advertising adjacent to certain controlled routes. The reasonable, orderly and effective display of outdoor advertising is permitted in zoned or unzoned commercial or industrial areas. Signs displays and devices whose size, lighting and spacing are consistent with customary use determined by agreement between the several States and the Secretary, may be erected and maintained in these areas (23 U.S.C. § 131(d)). Most of these agreements between the States and the Secretary that determined the size, lighting and spacing of conforming signs were signed in the late 1960's and the early 1970's.

On July 17, 1996, this Office issued a Memorandum to Regional Administrators to provide guidance on off-premise changeable message signs and confirmed that FHWA has "always applied the Federal law 23 U.S.C. 131 as it is interpreted and implemented under the Federal regulations and individual Federal/State agreements.". It was expressly noted that "in the twenty-odd years since the agreements have been signed, there have been many technological changes in signs, including changes that were unforeseen at the time the agreements were executed. While most of the agreements have not changed, the changes in technology require the State and FHWA to interpret the agreements with those changes in mind". The 1996 Memorandum primarily addressed tri-vision signs, which were the leading technology at the time, but it specifically noted that changeable message signs "regardless of the type of technology used" are permitted if the interpretation of the FSA allowed them. Further advances in technology and affordability of LED and other complex electronic message signs, unanticipated at the time the FSAs were entered into, require the FHWA to confirm and expand on the principles set forth in the 1996 Memorandum.

The policy espoused in the 1996 Memorandum was premised upon the concept that changeable messages that were fixed for a reasonable time period do not constitute a moving sign. If the State set a reasonable time period, the agreed-upon prohibition against moving signs is not violated. Electronic signs that have stationary messages for a reasonably fixed time merit the same considerations.

Discussion

Changeable message signs, including Digital/LED Display CEVMS, are acceptable for conforming off-premise signs, if found to be consistent with the FSA and with acceptable and approved State regulations, policies and procedures.

This Guidance does not prohibit States from adopting more restrictive requirements for permitting CEVMS to the extent those requirements are not inconsistent with the HBA, Federal regulations, and existing FSAs. Similarly, Divisions are not required to concur with State proposed regulations, policies, and procedures if the Division review determines, based upon all relevant information, that the proposed regulations, policies and procedures are not consistent with the FSA or do not include adequate standards to address the safety of the motoring public. If the Division Office has any question that the FSA is being fully complied with, this should be discussed with the State and a process to change the FSA may be considered and completed before such CEVMS may be allowed on HBA controlled routes. The Office of Real Estate Services is available to discuss this process with the Division, if requested.

If the Division accepts the State's assertions that their FSA permits CEVMS, in reviewing State-proposed regulations, policy and procedures for acceptability, Divisions should consider all relevant information, including but not limited to duration of message, transition time, brightness, spacing, and location, to ensure that they are consistent with their FSA and that there are adequate standards to address safety for the motoring public. Divisions should also confirm that the State provided for appropriate public input, consistent with applicable State law and requirements, in its interpretation of the terms of their FSA as allowing CEVMS in accordance with their proposed regulations, policies, and procedures.

Based upon contacts with all Divisions, we have identified certain ranges of acceptability that have been adopted in those States that do allow CEVMS that will be useful in reviewing State proposals on this topic. Available information indicates that State regulations, policy and procedures that have been approved by Divisions to date, contain some or all of the following standards:

- Duration of Message
  - Duration of each display is generally between 4 and 10 seconds – 8 seconds is recommended.
- Transition Time
  - Transition between messages is generally between 1 and 4 seconds – 1-2 seconds is recommended.
- Brightness
  - Adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.
- Spacing
  - Spacing between such signs not less than minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public.
- Locations
  - Locations where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

Other standards that States have found helpful to ensure driver safety include a default designed to freeze a display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

Conclusion

This Memorandum is intended to provide information to assist the Divisions in evaluating proposals and to achieve national consistency given the variations in FSAs, State law, and State regulations, policies and procedures. It is not intended to amend applicable legal requirements. Divisions are strongly encouraged to work with their State in its review of their existing FSAs and, if appropriate, assist in pursuing amendments to address proposed changes relating to CEVMS or other matters. In this regard, our Office is currently reviewing the process for amending FSAs, as established in 1980, to determine appropriate revisions to streamline requirements while continuing to ensure there is adequate opportunity for public involvement.

For further information, please contact your Office of Real Estate Point of Contact or Catherine O'Hara (Catherine.O'Hara@dot.gov).

CEVMS POLICY DEVELOPMENT

Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: **INFORMATION:** Off-premise Changeable Message Sign (CMS) Scottsbluff, Nebraska

Date: June 12, 1998

From: Chief, Program Services Division
Office of Real Estate Services

Reply to Attn. of: HRE-20

To: Mr. Ronald J. Rogers
Director, Program Development (HPD-07)
Kansas City, MO

On March 4, 1998, the Division office asked for advice from Region 7 and sought guidance on what changes would be permitted relating to changeable message signs. The request included a video tape of a recently erected sign that employs highly advanced, full-motion video. The Region forwarded the information on March 13 and requested guidance in two areas dealing with State options to develop criteria and rules relating to CMS, and how to handle new technology.

In 1996, based on positions taken by several States regarding tri-vision signs we acknowledged that technological changes could require the State/Federal agreement to be reinterpreted. Latitude to accommodate new technology and accept use of changeable message signs in off premise locations was dependant on a reasoned interpretation of the State/Federal agreement. Any type of technology could be used provided the signs did not contain flashing, intermittent, or moving lights. Only conforming signs were eligible to use updated technology.

The full-motion video sign depicted on the tape goes substantially beyond a changeable message display that could be controlled based on timing standards. By including animated ads that are dependant on use of flashing, intermittent, or moving lights the sign does not conform to either the existing Nebraska State/Federal agreement or the wording in our July 17, 1996, memorandum.

After careful consideration, we have concluded that such signs using flashing, intetmittent or moving lights to display animated, or scrolling advertising raises significant highway safety questions because of their potential to be extremely bright, large, rapidly changing, and distracting to motorists. We are therefore reaffirming our policy that off-premise signs using animated or scrolling displays are not conforming. Existing off-premise signs of this nature must be removed or operationally changed to conform with existing State law and regulation.

Robert A. Johnson

FHWA:HRE-20:RAJohnson:gs:62020:6/11/98
cc: Reader Chron
g:\hba1965\cevms\cms_ne.wpd

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: INFORMATION: Off-Premise Changeable Message Signs Date: JUL 17 1996

Director, Office of Real Estate Services Reply to Attn. of: HRE-20

To:

Regional Administrators

A number of States are taking the position that certain off-premise changeable message signs are consistent with State law and do not violate the lighting provisions of their State/Federal agreement. The State of Georgia recently amended its State law to allow off-premise signs having panels or slats that rotate provided they meet State criteria for frequency of message change and spacing. The State of Oklahoma recently considered amending its State law to also allow these signs. Because of the increased use of changeable message signs, we believe it is timely to restate our position concerning these signs.

The Federal Highway Administration (FHWA) has always applied the Federal law 23 U.S.C. 131 as it is interpreted and implemented under the Federal regulations and individual State/Federal agreements. Because there is considerable variation among the States, the importance of these agreements cannot be overstated. In the twenty-odd years since the agreements have been signed, there have been many technological changes in signs, including changes that were unforeseen at the time the agreements were executed. While most of the agreements have not changed, the changes in technology require the State and FHWA to interpret the agreements with those changes in mind. Changeable message signs are acceptable for off-premise signs, regardless of the type of technology used, if the interpretation of the State/Federal agreement allows such signs. In nearly all States, these signs may still not contain flashing, intermittent, or moving lights.

The FHWA will concur with a State that can reasonably interpret the State/Federal agreement to allow changeable message signs if such interpretation is consistent with State law. The frequency of message change and limitation in spacing for these signs should be determined by the State. This interpretation is limited to conforming signs, as applying updated technology to nonconforming signs would be considered a substantial change and inconsistent with 23 CFR 750.707(d)(5).

Barbara K. Orski

FHWA:HRE-20:RPHarter:gs:62026:June 24, 1996
cc: Reader Chron HRE-20
G:\12\RPH\CMS.110

Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: INFORMATION: California-Electronic Reader Boards State/Federal Agreement

Date: MAY 30 1995

From: Director, Office of Right-of-Way

Reply to Attn. of: HRW-12

To: Regional Administrator (HPP-09)
San Francisco, California

The city of South Gate, California, has proposed to advertise commercial and community service activities on a sign owned by the city, on city property, and adjacent to an Interstate highway. We have determined, for the reasons expressed below, that the electronic reader board sign in South Gate, California, allowed under State law (Cal. Bus. and Prof. Code § 5405) would be consistent with the 1968 State/Federal agreement. Consequently, we believe that the sign can be permitted under Federal law.

The key issue in this matter is the lighting provision in the agreement. The 1968 agreement prohibits off-premise signs that include or are illuminated by "flashing, intermittent or moving lights." The FHWA has interpreted this provision to forbid signs with short intervals between messages because such signs produce the effect of flashing lights and can present a safety hazard to motorists. The restrictions on signs under § 5405(d)(1) appear to meet the safety concerns of the 1968 agreement. No display may include illumination which is in motion or appears to be in motion or exposes its message for less than four seconds, and the interval between messages cannot be less than one second. Such signs cannot be less than 1000 feet apart on the same side of the highway. Based upon these restrictions, we believe that the law is consistent with the 1968 agreement.

Please have the Division Office convey this determination to Caltrans as soon as possible. We appreciate the cooperation and assistance of both the Division and Caltrans on this issue. If Caltrans records or evaluates any effects of this State law change on its outdoor advertising control program, we would be interested in being advised.

Barbara K. Orski

Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: ROW's Request for Legal Opinion on Rotating Panel Signs - Alabama

Date: MAR 20 1991

From: Chief, Program Services Division

Reply to Attn. of: HCC-30

To: Mr. Marlin E. Meese
Chief, Special Programs and Evaluation Branch (HRW-12)

Reference is made to your request for a legal opinion concerning rotating panel signs or tri-vision signs in Alabama in relation to the flashing lights prohibition contained in Alabama's Federal/State agreement and State law.

Alabama Code Section 23-1-274(2) Lighting, provides as follows:

> Signs shall not be erected or maintained which contain, include or are illuminated by any flashing, intermittent or moving lights, except those giving public service information such as, but not limited to time, date, temperature, weather, or news.

You have described the offending sign as follows:

> The sign is a standard size two-sided billboard designed with triple rotating panels. Each side is lighted by 4 flood lights. A complete change of message occurs every 10 seconds with the slats rotating every 8 seconds, requiring 2 seconds to complete each change. At the time of the State's inspection, the sign was displaying off-premise messages.

In its Complaint seeking the removal of this sign, Alabama's Highway Department, in Count IV, charged:

> The defendant has erected and maintained a sign on Alabama Highway 142 near Milepost 150.87 on the right side. The two-sided sign is designed with triple flashing panels. (See Exhibit IV.)

Note: We do not have Exhibit IV.

In the memorandum from the Division dated December 17, 1990, we are told that the court ruled that the rotating panel sign does not violate State law, and that the judge apparently did not see this type of sign as one containing or illuminated by flashing intermittent or moving lights. We assume that the Division has correctly stated the court's decision, although without at least a copy of the defendant signowner's Motion for Summary Judgment we have no legal documentation to confirm what the ruling was based upon. The court order only says that it grants defendant's motion for summary judgment.

It is within the authority of the Federal Highway Administration to decide whether the subject signs are prohibited under the flashing lights prohibition of the Federal/State Agreements, and it is initially up to the Office of Right-of-Way to make the determination. If the determination has a rational basis, the Office of Chief Counsel would be obliged to concur in such determination.

Your office should determine as a matter of policy what factors or components, including the rate of change of the message or visual field, contribute to the achievement of a flashing light effect. For example, in the case of a rotary slat sign, if it displays a message or field that, regardless of other components, does not change quickly enough to create a flashing effect, it should not be prohibited under the flashing lights prohibition.

No doubt there is a great deal of scientific data that could assist your efforts in resolving the policy question after appropriate study. Your determination should be rationally based on scientific considerations. As an example of the type of data I have in mind, I would direct your attention to the following recommendation contained in "Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable-Message Signage", Report No. FHWA/RD-80/051, June 1980:

> In summary, signs which are capable of displaying motion or animation, and signs which display information cycles without changing the texts of their messages, should be prohibited under the Highway Beautification Act amendments. (i.e. the 1978 on premise sign amendments). Those signs on which many independent messages are displayed sequentially should maintain a minimum "on-time" for each message calculated to by such that a

motorist traveling the affected road at the 85th percentile speed would be able to read not more than one complete nor two partial messages in the time required to approach and pass the sign. In no case, however, should this on-time be less than four seconds. Since the average glance duration is generally accepted to be 0.3 second, a display time per message of four seconds would require less that 10 percent of the driver's available visual search time. A shorter display time could be too demanding when there are competing needs for the motorists attention.

There remains the problem of the *capability* of the sign to achieve a flashing light effect by reducing the on-time display to less than an acceptable rate of change. Would having such capability alone be sufficient reason for continuing to ban these signs off premise? Any attempt to ban CEVMS that do not have the effect of flashing lights would have no legal foundation unless it is reasonable to assume that, regardless of the actual rate of change, signs having merely the capacity to create a flashing light effect would have to be banned as a practical matter because policing every sign's rate of change would be too onerous. It is unlikely, however, that such a ban would succeed because practical measures <u>are</u> no doubt available to enforce the rate of change of sign messages. Such measures may even be in place enforcing on premise CEVM compliance with the 1978 Highway Beautification Act Amendments. This too, sounds like a policy question for the program office.

Please let me know how you propose to deal with the question. Ideally, down the road, the process of interpretation would probably best be served by issuance of criteria for implementing the flashing light prohibition in State/Federal agreements via notice or regulations published in the Federal Register rather continuing with determinations on an *ad hoc* basis.

L. Harold Aikens, Jr.

L. Harold Aikens, Jr.

Illegal Signs, Removed by State

ILLEGAL SIGNS

Illegal signs are generally defined as those signs which are erected and/or maintained in violation of State law or regulations. The State must have a control program which results in the early discovery and expeditious removal of illegal signs. If a sign is illegal because of a failure to comply with a reasonable police power regulation, or some volitional act of the sign owner, then a sign may be considered noncompensable. However, if the reason that the sign is illegal is tied to some nonvolitional act of the sign owner, such as the expiration of an amortization period, then the sign is compensable.

There are several ways in which a sign may be classified as illegal. Following is a discussion of three categories of signs and the ways in which such signs may become illegal.

I. **Existing Conforming Signs** - Conforming signs are signs that are lawfully erected and maintained and comply entirely with all provisions of the law. Conforming signs can remain or be erected adjacent to controlled highway systems after the effective date of the State law. One example of an illegal sign within this category is the nonrenewal of an outdoor advertising permit required by State law. Another example would be a sign which is modified so as to violate the size, lighting or spacing provisions of the State law passed to carry out the State/Federal agreement.

II. **New Signs** - A new sign would be classified as illegal if:

A. Is erected in a controlled area where signs are not allowed; or

B. Violates size, lighting or spacing requirements in commercial or industrial areas; or

C. Fails to have a proper permit or license if such is required by State law.

III. **Nonconforming Signs** - A sign is considered to be nonconforming if it was lawfully erected prior to the effective date of the State law but does not conform to the law's requirements. A nonconforming sign must be lawfully maintained in accordance with applicable state law or regulations. Failure to do so may result in loss of the right to operate the sign and require removal of the nonconforming sign without compensation. There are several ways in which a nonconforming sign may become illegal.

A. **Abandonment or discontinuance** - A sign may lose its nonconforming rights if the sign owner fails to operate the sign for a certain period of time. This may be manifested by a voluntary abandonment, by nonuse, or by actual discontinuance. Examples of abandonment or discontinuance are:

1. Obsolete message content on the sign for a designated period of time

U.S. Department of Transportation
Federal Highway Administration

Memorandum

59

Subject: Off-Premise Electronic Variable Message Signs

Date: January 29, 1990

From: Director, Office of Planning and Program Development
Kansas City, Missouri

Reply to Attn. of: HPP-07

To: Division Administrators

Attached is Ms. Orski's January 19, 1990 Memorandum stating FHWA policy on CEVMS. The policy has two main provisions.

First, off-premise changeable commercial message signs, regardless of the message changing technology, are prohibited in controlled areas. Such signs are illegal. Note this includes more than just Commercial Electronic Variable Message Signs (CEVMS). Not affected are rules governing directional and other official signs, including "Time and Temperature" signs; they may continue.

The term "CEVMS" as used in the second and third paragraphs means all changeable message signs, not just those changeable electronically.

The second policy provision, discussed in the third paragraph, means any sign structure that displays any message(s) advertising activities which do not qualify as "on premise" under 23 CFR 750.709 is not an on-premise sign.

A more detailed analysis:

> "Signs" means a sign structure, including any and all faces, boards, stringers, messages, etc., attached to the sign structure. A sign can have only one classification. That is, a single structure may not legally include, for example, an otherwise qualifying 1) on-premise EVMS display and 2) commercial message display.
>
> As discussed above, the use of the term "CEVMS" means all changeable message signs - the on-premise policy being discussed certainly applies to any sign purporting to be an on-premise sign.

The use of the phrase "... messages advertising activities not conducted on the premises..." should not be construed out of context . The intent of the Memorandum is not to include advertising of any and all activities conducted on the premises, regardless of how incidental they are to the principal activity, as on-premise advertising. All the provisions of 23 CFR 750.709 are still operable.

Signs not meeting on-premise criteria cannot be allowed as on-premise signs. However, not qualifying as an on-premise sign may not make a sign illegal. A sign would be illegal only if it did not meet other criteria for allowed outdoor advertising.

The last sentence of the Memorandum clarifies FHWA's position that signs which would qualify as on-premise except for one or more disqualifying message(s) (electronic or fixed) may attain (or return to) on-premise status if the disqualifying message(s) are removed and no longer displayed.

The above analysis has been coordinated with Headquarters. We trust these Memorandums elucidate FHWA policies on CEVMS and on-premise outdoor advertising. We are available to discuss these topics if you have any questions.

Ronald J. Rogers

Attachment

JAN 2 - 1990

HPP-08

U.S. Department of Transportation
Federal Highway Administration

Memorandum

58

Subject: Commercial Electronic Variable Message Signs -- Off-Premise Advertising

Date: JAN 19 1990

From: Director
Office of Right-of-Way
Washington, D.C. 20590

Reply to Attn. of: HRW-10

To: Regional Federal Highway Administrators

We have received several inquiries concerning the off-premise advertising use of commercial electronic variable message signs (CEVMS) which change their advertising messages by electronic process or remote control. These outdoor advertising signs use various types of evolving technology such as lights, glow cubes, rotating slats, moving reflective disks, etc.

FHWA has interpreted the Federal law as implemented under individual State/Federal agreements to prohibit off-premise variable message signs, irrespective of the method used to display the changing message. The prohibited CEVMS must be considered to be illegal signs.

Signs that purport to be on-premise CEVMS, but include messages advertising activities not conducted on the premises on which they are located, and thus cannot meet the definition of permitted on-premise signs, are also prohibited. They may be allowed to remain only if they agree to limit their messages to advertising activities located on the premises.

Barbara K. Orski

U.S. Department of Transportation
Federal Highway Administration

Memorandum

via Electronic Mail

Subject: **ACTION:** Interim Approval to Display More than Six Specific Service Logo Panels for a Type of Service

Date: September 21, 2006

From: Jeffrey F. Paniati
Associate Administrator for Operations

Reply to
Attn. of: HOTO-1

To: Associate Administrators
Chief Counsel
Directors of Field Services
Resource Center Director and Operations Managers
Division Administrators
Federal Lands Highway Division Engineers

Purpose: The purpose of this memorandum is to issue an Interim Approval to allow State and local highway agencies the option of displaying up to 12 logo panels for any one specific service type (i.e., Gas, Food, Lodging, Camping, Attraction, and 24-Hour Pharmacy) by using no more than two specific service signs.

Background: The Specific Service Sign Program (also known as the Logo program) was established in 1969. This State-sponsored program provides the traveling public with information about specific motorist services available at approaching interchanges. Eligible service facilities can use their business identification logo for services and attractions. The MUTCD provides minimum parameters on the number, spacing and specific service types allowed on the signs, and the States develop policies and criteria for selecting the eligible businesses that appear on the signs.

The current MUTCD language limits the number of specific service signs along an interchange or intersection approach to four signs. Each of these four signs must be allocated to one of the following services types: Gas, Food, Lodging, Camping, Attraction, or 24-Hour Pharmacy. Each sign can display a maximum of 6 logo panels for any service type. No service type is allowed to appear on more than one sign.

The MUTCD establishes these guidelines to ensure that State implementation of the program does not introduce safety concerns. The current language in the MUTCD provides States flexibility with respect to the selection criteria for the specific service sign program. The FHWA believes that States are in the best position to determine local needs with respect to criteria for availability of the various types of services.

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However, the FHWA recognizes that the demand for logo positions in the Specific Service Sign program has increased dramatically and that there is often significant competition for logo panels at an interchange.

Research on More Than Six Logo Panels: In May 2004, the FHWA approved a request from the Virginia Department of Transportation (VDOT) to experiment with the food specific service signs in situations where there were more than six eligible food businesses at an interchange or intersection. In these situations, VDOT was allowed to use the empty space on the camping sign to display additional food logo panels. In cases where there were no camping services and therefore no camping sign, VDOT was allowed to install a second food specific service sign in the normal location of a camping sign. The VDOT submitted their final report in October 2005. Results from the surveys and crash analysis studies conducted by VDOT showed that displaying additional food logo panels on a second specific service sign when the first specific service sign is full did not create any additional safety risks and that there was a benefit to having additional information on food availability for the motorists. The complete evaluation study and report findings are posted on the Interim Approval page of the MUTCD website at http://mutcd.fhwa.dot.gov.

FHWA Position: Based on Virginia's experimentation results, the FHWA is issuing this Interim Approval to give States and local highway authorities more flexibility on the selection of businesses based on local needs. The FHWA believes that the flexibility to add food logo panels can be extended to other service types, as long as the maximum of four signs on the approach is not exceeded.

Conditions of Interim Approval: Interim Approval for the option of displaying up to 12 logo panels for any one specific service type will be granted to any jurisdiction that submits a written request to the Office of Transportation Operations. A State may request Interim Approval for all jurisdictions in that State. Jurisdictions using traffic control devices under an Interim Approval must agree to maintain an inventory list of all locations where the devices are placed and to comply with item F at the bottom of page 1A-6 of the 2003 MUTCD, Section 1A.10 which requires:

"An agreement to restore the site(s) of the Interim Approval to a condition that complies with the provisions in this Manual within 3 months following the issuance of a Final Rule on this traffic control device. This agreement must also provide that the agency sponsoring the Interim Approval will terminate use of the device or application installed under the Interim Approval at any time that it determines significant safety concerns are directly or indirectly attributable to the device or application. The FHWA Office of Transportation Operations has the right to terminate the Interim Approval at any time if there is an indication of safety concerns."

If an agency opts to use this Interim Approval, the following design and operational requirements shall apply, and shall take precedence over any conflicting provisions of existing Section 2F.02 of the 2003 MUTCD for the interchanges and intersection approaches where the option granted under this Interim Approval is exercised:

- A maximum of 12 logo panels may be displayed on no more than two signs at any interchange or intersection approach for any one of the following specific service types: Gas, Food, Lodging, Camping, Attraction, and 24-hour Pharmacy.
- The additional logo panels may be displayed by either: (1) Sharing the empty space with another specific service type or (2) Using a separate specific service sign in situations where there are fewer than four specific service signs at an interchange or intersection approach.
- Each specific service sign shall be limited to no more than six logo panels.
- No specific service type shall appear on more than two specific service signs.
- No more than three types of services shall be represented on any one sign or sign assembly (See MUTCD Section 2F.02).
- If three types of services are shown on one sign, then the logo panels shall be limited to two for each service and if two types of services are displayed on one sign, there shall be no more than four logo panels for any one of the two service types (See MUTCD Sections 2F.02 and 2F.04).
- The legend and logo panels applicable to a service type shall be displayed such that the road user will not associate them with another service type on the same sign (See MUTCD Figure 2F-1). When more than one service type is displayed, the logo panels for each service must be separated.
- The number of Specific Service signs along an approach to an interchange or intersection, regardless of the number of service types displayed, shall be limited to a maximum of four (See MUTCD Section 2F.02).
- Specific Service ramp signs shall only be installed along the ramp or at the ramp terminal for facilities that have logo panels displayed along the main roadway. Ramp logo panels may be omitted if the facilities are readily visible from the ramp terminal (see MUTCD Section 2F.07). The spacing between ramp signs should be determined based on an engineering study that considers factors such as the length of the ramp and the safe mobility needs of the road user. In some cases, it might not be feasible to install all four Specific Service signs on the mainline because of the ramp constraints. An order of priority is especially critical where space is limited for sign installation and there is a demand for different types of ramp signs. Regulatory and warning information should be displayed rather than guide signing in cases where conflicts occur (see MUTCD Section 2A.16).

- The successive order for Specific Service signs (i.e., 24-hour Pharmacy, Attraction, Camping, Lodging, Food, and Gas) as discussed in MUTCD Section 2F.02 will not be required for purposes of this interim approval. For example if the Specific Service signs in the direction approaching the exit ramp are currently one for lodging, one for food and one for gas, then you can add a 4th Specific Service sign for food in the location preceding the lodging sign. You would not have to move the lodging sign.

Any questions concerning this Interim Approval should be directed to Ms. Linda Brown at Linda.L.Brown@dot.gov or by telephone at 202-366-2192.

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: Vegetation Clearance - Texas

Date: NOV 24 1992

Reply to Attn. of: HRW-12

From: Chief, Program Requirements Division
Washington, D.C. 20590

To: Mr. Wesley S. Mendenhall, Jr.
Regional Federal Highway Administrator (HPP-06)
Fort Worth, Texas

By memorandum of November 2, you transmitted the Texas Department of Transportation's September 15 letter asking three questions on vegetation clearance along with the Division's September 23 memorandum asking for assistance in responding to the State's letter.

As background information, in 1977, the Federal Highway Administration (FHWA) issued administrative guidance which permitted, but did not require, States to enter into agreements with billboard companies to clear trees and other vegetation on the public highway right-of-way to enhance the visibility of billboards.

On May 18, 1990, FHWA issued a memorandum rescinding the guidance issued in 1977. This was a change in the direction FHWA had been giving State highway agencies. The FHWA no longer endorsed the practice of clearing trees and vegetation to improve visibility of signs that are subject to removal under the Highway Beautification Act. The overall maintenance of the roadway and roadside, however, is clearly the day-to-day responsibility of the States. Therefore, whether foliage and trees growing up in front of a billboard can be removed by the billboard's owner or by the highway department can best be answered by the State.

The following comments are provided in answer to the State's questions:

1. Are other states permitting vegetation clearance to improve the visibility of outdoor advertising signs?

   Answer - Over the years, this practice was adopted in varying ways by several states. When we checked in June of 1990 on the number of states that allowed some kind of vegetation clearance within the highway right-of-way, we found there were 20 states.

2. If other states permit vegetation clearance, does the FHWA authorize that action?

Answer -- The FHWA is not involved in authorizing such vegetation clearance. However, we do not endorse vegetation clearance for this purpose as indicated above, and more particularly, we believe it to be inappropriate for nonconforming signs as Federal-aid funds are now available for the acquisition and removal of these signs.

3. Does FHWA grant any exceptions to its vegetation clearance policy?

Answer - The FHWA does not have a "vegetation clearance policy." It is FHWA's policy to assist States to maintain and preserve the roadside in a safe, pleasant and forgiving manner for the highway user. As already noted, vegetation clearance, which relates to the overall maintenance of the roadway and roadside, is clearly the day-to-day responsibility of the State.

F. D. Luckow

F. D. Luckow

Memorandum

U.S. Department of Transportation
Federal Highway Administration

Subject: Vegetation Clearance

Date: JUN 13 1984

From: Assistant Chief Counsel
Right-of-Way and Environmental Law

Reply to Attn of: HCC-40

To:
Mr. Ronald Heinz
HNG-20 Chief, Design Division

As a result of an inquiry from the General Accounting Office, Mr. Merril Deskins of your staff requested an outline of FHWA authority to control the clearance of vegetation within the rights-of-way of highways on Federal-aid system. The problem arises when owners of outdoor advertising signs seek to permission from a State highway department or seek to induce a State highway department to remove vegetation which obscures the visibility of signs from the main travelled way. There are a number of FHWA policy issuances, particularly two memorandums co-signed by the Associate Administrator for Right-of-Way and Environment and the Associate Administrator for Engineering and Traffic Operations in 1976 and 1977, which address this issue.

The jurisdictional issues involved can be summarized as follows:

1. The clearest basis for controlling vegetation clearance arises in those cases where Federal funds were made available for a specific landscaping project or for the acquisition of special areas for the specific purpose of preserving vegetation (such as for noise control or esthetic reasons). In those cases, the States must properly maintain the vegetation for which Federal funds were expended. Failure to do so would be directly contrary to the requirement to maintain Federal projects pursuant to 23 U.S.C. 116. Our policy requires States to obtain consent from FHWA prior to permitting the cutting of any vegetation except for purposes of maintaining health the areas planted.

2. Less clear is our authority to control or limit vegetation clearance activity on those portions of the Federal-aid highway system where some Federal funds went into the construction or acquisition project facilities. FHWA could impose vegetation control requirements as part of its general authority to control activities within the rights-of-way of Federal-aid projects. In fact, FHWA has adopted a policy which encourages the responsible maintenance of vegetation within rights-of-way but permits the States to make reasonable accommodations with outdoor advertising companies suffering hardship because of vegetation growing before signs. This policy recognizes that the right-of-way in question is within the ownership of the State highway agency, and absent a direct Federal interest, the Federal role should be unintrusive as possible. Our authority in this area arises under the authority asserted pursuant to 23 CFR 1.23, 23 CFR part 713, subpart B, and 23 U.S.C. 116.

3. FHWA has little authority to control vegetation cutting on portions of the Federal-aid highway system where no Federal funds have been expended on any project. In these situations, the FHWA has encouraged the States to maintain responsible policies with respect to vegetations within the right-of-way. The more explicit authorities referenced above depend upon the presence of a Federal-aid "project." FHWA has not extended its jurisdictional reach to areas where no Federal-aid highway project funds are involved except where title 23 clearly requires us to do so. That is certainly not the case with respect to vegetation clearance.

Please let us know if you have any further questions in this regard.

Edward V. A. Kussy

Federal Highway Administration
HCC-40:EVAKussy:msb:60791:6/8/84
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