Chapter 8 Highway Advertising Control

Contents

8-1 General 8-1
8-2 Highway Advertising Signs 8-1
8-3 Advertising at Rest Areas and on Washington State Ferries 8-4

8-1 General

The department is directed by state law to regulate advertising signs that are visible to Interstate, Primary, and Scenic state highway systems. The Headquarters Traffic Operations Office is responsible for administering the program and often works with Region Traffic and Maintenance staff in reporting and verification of advertising signs. Advertising messages may be displayed by one of several methods:

- **Billboards and other highway advertising signs** may display business logos and advertising print along selected areas of state highways, outside state-owned right *Highway Advertising Control* M 22-95.
- **Advertising venues** exist at a number of rest areas along Interstate highways, and at several Ferry Division locations.
- **Motorist Information Signs** display logos for specific types of motorist services on regulated signs within the right of way. See the program website for more information.

8-2 Highway Advertising Signs

Federal and state laws regulate signs located on private property or on public right of ways other than state highway right of ways, which are visible to certain state highways. Many of the laws and regulations are written to express what may be done rather than what may not be done. Thus, signs installed contrary to what the law allows are illegal. The department uniformly applies the regulatory provisions to support traffic engineering principles, for procedural efficiency, and to treat the business community equitably.

A. **United States Code, Title 23, Section 131 –** Federal laws provide direction to the states through the Federal Highway Administration and the Code of Federal Regulations regarding highway advertising along Interstate and National Highway System (NHS) non-Interstate highways, and at safety rest areas. The states are required to comply with these federal laws and regulations or become subject to a 10 percent reduction in federal aid highway funds.

B. **RCW 47.42 –** State law, which may be referred to as either the *Highway Advertising Control Act*, or the *Scenic Vistas Act of 1971* or the Act, authorizes and directs the department to regulate highway advertising signs visible to Interstate, non-Interstate NHS, and Scenic highways in accordance with federal and state regulations. The purpose of the Act is to enhance roadside scenic beauty while assuring that

information of specific interest to travelers is presented safely, reasonably, and effectively. RCW 47.42 does not regulate advertising sign installations adjacent to other state highways, county roads, or city streets.

C. **WAC 468-66 and M 22-95 –** The department's manual, *Highway Advertising Control* M 22-95, contains the RCW and WAC rules, regulations, and figures that can be used to help interpret specific laws and regulations, maps to identify the various classes of the state highway system, and graphic appendices that illustrate some of the more complex regulatory language.

D. **Classification of Signs and Specific Provisions –** WAC 468-66-050 describes the eight advertising sign classifications authorized by the *Highway Advertising Control Act*, and places specific restrictions on each sign type. The information in this section helps traffic operations staff address matters pertaining to these eight sign types.

Type 1 – Directional or other official signs or notices divided into three categories:

Type 1a – Directional Signs – Publicly or privately owned places may contain directional information about publicly or privately owned places that feature:

- natural phenomena
- historical, cultural, scientific, educational, or religious sites
- areas of scenic beauty
- outdoor recreation areas

Type 1b – Official Signs – Official signs shall be erected and maintained by public officers or public agencies, such as a county, city, or county commissioners, for the purpose of carrying out an official duty or responsibility. Official signs shall be located within the governing jurisdiction of the public officer or public agency.

Type 1c – Service Activity Signs – These signs contain only a group name, the location and meeting schedule. These organizations must be nonprofit, such as service clubs or religious organizations. The WAC duplicates a federal regulation that limits the maximum size of Type 1c signs to eight square feet.

Type 2 – For Sale or For Lease Signs – "FOR SALE" or "FOR LEASE" signs shall only advertise the sale or lease of the parcel or real property upon which the sign is located. The property owner or owner's agent name and phone number shall not be displayed more conspicuously than the message "FOR SALE" or "FOR LEASE." WAC 468-66-050(2) allows only the name of the property owner or owner's agent, and their respective phone number as well as the for sale or lease message.

Type 3 – On-Premise Signs – These signs are divided into four categories and also regulate electronic signs visible to the state highway system:

Type 3a – This on-premise sign advertises the activity conducted, or products available, on the property where the sign is located.

Type 3b – This is a business complex on-premise sign that displays the name of a shopping center, mall, or business combination.

Type 3c – This future site on-premise sign is allowed on properties where a planned business will be operating within a year. Signs will typically display the message "future site of" or similar wording.

Type 3d – This temporary political campaign sign expresses a property owner's endorsement of a political candidate or ballot issue.

Electronic Signs – Electronic signs may be used only to advertise activities conducted, or goods and services available, on the property on which the signs are located (Type 3 signs); or, to present public service information as defined in WAC 468-66-010(20).

Type 4 Off-Premise Signs – The business or activity advertised on a Type 4 sign shall be within 12 air miles of the sign.

Type 5 Off–Premise Signs – The off-premise advertising message displayed on the sign must be of specific interest to the traveling public, as described in WAC 468- 66-050(5)(b). There is no geographic proximity limitation, such as the 12 air mile limit imposed on Type 4 signs.

Type 6 "Landmark" Signs – These are advertising signs of historic or artistic significance that were lawfully in place prior to October 22, 1965. Currently, there are no permitted Type 6 signs visible to state highways.

Type 7 Public Service Signs Located on School Bus Shelters – Currently, there are no permitted Type 7 signs visible to state highways.

Type 8 Temporary, Seasonal Agricultural Signs – These signs give directional information to specific agricultural activities and are regulated through a permit process administered by the region. Specific requirements are found in WAC 468-66-050(8).

Signs Subject to Authorizing Permits – State law and the WAC exempt Type 1, 2, and 3 signs from the permit requirements; therefore, permits are required for sign Types 4 through 8. The vast majority of permits issued are for Type 4 and Type 5 signs. Only a small number of Type 8 sign permits have been issued throughout the state. To date the department has not issued any permits for Type 6 and Type 7 signs; however, the WAC includes these as signs that must be placed under permit.

A department issued permit does not preempt the permit holder's responsibility to comply with local agency rules, regulations, and ordinances pertaining to signs and sign structures (RCW 47.42.070). Accordingly, a department issued permit only grants a permit holder the right to erect a sign if it is also authorized under local law.

Inventories – The Headquarters Traffic Office maintains an electronic database inventory of all Type 4, 5, and 8 sign permits. Access to the database is available to region users upon request. The inventory is revised when the Headquarters Traffic Office receives notification from a permit holder or when changes are discovered during field review. The inventory is updated when:

- New permits are issued.
- Existing permits are rescinded or revoked.
- Sign or property owners have changed.
- Signs are modified from their original size.
- The sign or property owner removes signs.

8-3 Advertising at Rest Areas and on Washington State Ferries

Advertising at State Highway Rest Areas – Businesses may purchase advertising space on displays in 20 rest areas located along Interstate 5, Interstate 90, Interstate 82, US 2, and US 395. The rest area advertising program features lighted display kiosks. In rest areas, the only requirement is that services advertised be of interest to travelers. For more information about this program, contact:

Storeyco, Inc. 4709 82nd Ave
Olympia, WA 98501
800-558-7867
360-412-0066 or
Cell: 206-321-4112
Email: Ronstorey@storeyco.com
www.storeyco.com

Advertising on Washington State Ferries – Only registered 501(c)(3) non-profit organizations qualify for purchasing digital advertising space, available on all Washington State ferry vessels and at most terminals. The state ferry advertising program features lighted display boards and video/digital ads. For more information about this program, contact WSDOT's sales contractor:

Certified Folder Display, Inc.1705
South 93rd Street Unit F2 Seattle,
WA 98108
206-870-2470
800-799-7373
lucasw@certifiedfolder.com
www.certifiedfolder.com