

Senate Bill 639

Sponsored by COMMITTEE ON BUSINESS, TRANSPORTATION AND ECONOMIC DEVELOPMENT (at the request of Clear Channel Outdoor Advertising)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates definition of digital billboard.
Permits digital billboards to be displayed if digital billboard meets certain conditions.
Decreases number of permits required to relocate tri-vision signs.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to outdoor advertising signs; amending ORS 377.710, 377.720, 377.750 and 377.767; and de-
3 claring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 377.710 is amended to read:

6 377.710. As used in ORS 377.700 to 377.840 unless the context otherwise requires:

7 (1) "Back-to-back sign" means a sign with multiple display surfaces mounted on a single struc-
8 ture with display surfaces visible to traffic from opposite directions of travel.

9 (2) "Commercial or industrial zone" means an area, adjacent to a state highway, that is zoned
10 for commercial or industrial use by or under state statute or local ordinance.

11 (3) "Council" means the Travel Information Council created by ORS 377.835.

12 (4) "Cutout" means every type of display in the form of letters, figures, characters or other re-
13 presentations in cutout or irregular form attached to and superimposed upon a sign.

14 (5) "Department" means the Department of Transportation.

15 **(6) "Digital billboard" means an outdoor advertising sign that is static and changes**
16 **messages by any electronic process or remote control, provided that the change from one**
17 **message to another message is no more frequent than once every eight seconds and the ac-**
18 **tual change process is accomplished in two seconds or less.**

19 [(6)] (7) "Director" means the Director of Transportation.

20 [(7)] (8) "Display surface" means the area of a sign available for the purpose of displaying a
21 message.

22 [(8)] (9) "Double-faced sign" means a sign with multiple display surfaces with two or more sep-
23 arate and different messages visible to traffic from one direction of travel.

24 [(9)] (10) "Erect" means to construct, build, assemble, place, affix, attach, create, paint, draw
25 or in any way bring into being or establish.

26 [(10)] (11) "Federal-aid primary system" or "primary highway" means the federal-aid primary
27 system in existence on June 1, 1991, and any highway that is on the National Highway System.

28 [(11)] (12) "Freeway" means a divided arterial highway with four or more lanes available for
29 through traffic with full control of access and grade separation at intersections.

30 [(12)] (13) "Governmental unit" means the federal government, the state, or a city, county or

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 other political subdivision or an agency thereof.

2 [(13)] (14) "Interstate highway" or "interstate system" means every state highway that is a part
3 of the National System of Interstate and Defense Highways established pursuant to section 103(c),
4 title 23, United States Code.

5 [(14)] (15) "Logo" means a symbol or design used by a business as a means of identification of
6 its products or services.

7 [(15)] (16) "Logo sign" means a sign located on highway right of way on which logos for gas,
8 food, lodging and camping are mounted.

9 [(16)] (17) "Maintain" includes painting, changing messages on display surfaces, adding or re-
10 moving a cutout or display surface of the same dimensions, replacing lights or the catwalk, making
11 routine repairs necessary to keep the sign in a neat, clean, attractive and safe condition, and al-
12 lowing the sign to exist.

13 [(17)] (18) "Main traveled way" means the through traffic lanes, exclusive of frontage roads,
14 auxiliary lanes and ramps.

15 [(18)] (19) "Motorist informational sign" means a sign erected in a safety rest area, scenic
16 overlook or sign plaza and maintained under the authority of ORS 377.700 to 377.840 to inform the
17 traveling public about public accommodations, services for the traveling public and points of scenic,
18 historic, cultural, scientific, outdoor recreational and educational interest.

19 [(19)] (20) "Nonconforming sign" means a sign that complied with ORS 377.700 to 377.840 when
20 erected, but no longer complies with ORS 377.700 to 377.840 because of a later change in the law
21 or in the conditions outside of the owner's control. An unlawfully located or maintained sign is not
22 a nonconforming sign.

23 [(20)] (21) "Outdoor advertising sign" means:

24 (a) A sign that is not at the location of a business or an activity open to the public, as defined
25 by the department by rule; or

26 (b) A sign for which compensation or anything of value as defined by the department by rule is
27 given or received for the display of the sign or for the right to place the sign on another's property.

28 [(21)] (22) "Protected area" means an area located within 660 feet of the edge of the right of
29 way of any portion of an interstate highway constructed upon any part of right of way, the entire
30 width of which was acquired by the State of Oregon subsequent to July 1, 1956, and which portion
31 or segment does not traverse:

32 (a) A commercial or industrial zone within the boundaries of a city, as such boundaries existed
33 on September 21, 1959, wherein the use of real property adjacent to the interstate highway is subject
34 to municipal regulation or control; or

35 (b) Other areas where land use, as of September 21, 1959, is established as industrial or com-
36 mercial pursuant to state law.

37 [(22)] (23) "Reconstruct" means replacing a sign totally or partially destroyed, changing its
38 overall height or performing any work, except maintenance work, that alters or changes a sign that
39 lawfully exists under ORS 377.700 to 377.840.

40 [(23)] (24) "Relocate" includes, but is not limited to removing a sign from one site and erecting
41 a new sign upon another site as a substitute therefor.

42 [(24)] (25) "Relocation credit" means a credit for future relocation of a permitted outdoor ad-
43 vertising sign issued in lieu of a relocation permit under ORS 377.767.

44 [(25)] (26) "Relocation permit" means a permit to relocate a sign under ORS 377.767, whether
45 issued in a lieu of a current sign permit or a relocation credit.

1 [(26)] **(27)** “Rest area” means an area established and maintained within or adjacent to a state
2 highway right of way by or under public supervision or control for the convenience of the traveling
3 public, and includes safety rest areas, scenic overlooks or similar roadside areas.

4 [(27)] **(28)** “Scenic byway” means a state highway or portion of a state highway designated as
5 part of the scenic byway system by the Oregon Transportation Commission or Federal Highway
6 Administration of the United States Department of Transportation.

7 [(28)] **(29)** “Secondary highway” means any state highway other than an interstate highway or
8 primary highway.

9 [(29)(a)] **(30)(a)** “Sign” means any sign, display, message, emblem, device, figure, painting,
10 drawing, placard, poster, billboard or other thing that is designed, used or intended for advertising
11 purposes or to inform or attract the attention of the public.

12 (b) “Sign” includes the sign structure, display surface and all other component parts of a sign.

13 (c) When dimensions of a sign are specified, “sign” includes panels and frames and both sides
14 of a sign of specified dimensions or area.

15 [(30)] **(31)** “Sign area” means the overall dimensions of all panels capable of displaying messages
16 on a sign structure.

17 [(31)] **(32)** “Sign plaza” means a structure erected and maintained by or for the department or
18 the Travel Information Council, adjacent to or in close proximity to a state highway, for the display
19 of motorist information.

20 [(32)] **(33)** “Sign rules for protected areas” means rules adopted by the department applicable to
21 signs displayed within protected areas.

22 [(33)] **(34)** “Sign structure” or “structure” means the supports, uprights, braces, poles, pylons,
23 foundation elements, framework and display surfaces of a sign.

24 [(34)] **(35)** “State highway,” “highway” or “state highway system” means the entire width be-
25 tween the boundary lines of the right of way of every state highway, as defined by ORS 366.005, and
26 the interstate system and the federal-aid primary system.

27 [(35)] **(36)** “Tourist oriented directional sign” means a sign erected on state highway right of
28 way to provide business identification and directional information for services and activities of in-
29 terest to tourists.

30 [(36)] **(37)** “Traffic control sign or device” means an official route marker, guide sign, warning
31 sign, or sign directing or regulating traffic, which has been erected by or under the order of the
32 department.

33 [(37)] **(38)** “Travel plaza” means any staffed facility erected under the authority of the Travel
34 Information Council to serve motorists by providing brochures, displays, signs and other visitor in-
35 formation and located in close proximity to a highway.

36 [(38)] **(39)** “Tri-vision sign” means a sign that contains display surfaces composed of a series of
37 three-sided rotating slats arranged side by side, either horizontally or vertically, that are rotated
38 by an electromechanical process and capable of displaying a total of three separate and distinct
39 messages, one message at a time, provided that the rotation from one message to another message
40 is no more frequent than every eight seconds and the actual rotation process is accomplished in four
41 seconds or less.

42 [(39)] **(40)** “V-type sign” means two signs erected independently of each other with multiple
43 display surfaces having single or multiple messages visible to traffic from opposite directions, with
44 an interior angle between the two signs of not more than 120 degrees and the signs separated by
45 not more than 10 feet at the nearest point.

1 [(40)] (41) "Visible" means capable of being seen without visual aid by a person of normal visual
 2 acuity, whether or not legible from the main traveled way of any state highway.

3 **SECTION 2.** ORS 377.720 is amended to read:

4 377.720. A sign may not be erected or maintained if it:

5 (1) Interferes with, imitates or resembles any traffic control sign or device, or attempts or ap-
 6 pears to attempt to direct the movement of traffic.

7 (2) Prevents the driver of a motor vehicle from having a clear and unobstructed view of traffic
 8 control signs or devices or approaching or merging traffic.

9 (3) Contains, includes or is illuminated by any flashing, intermittent, revolving, rotating or
 10 moving light or moves or has any animated or moving parts. This subsection does not apply to:

11 (a) A traffic control sign or device.

12 (b) Signs or portions thereof with lights that may be changed at intermittent intervals by elec-
 13 tronic process or remote control that are not outdoor advertising signs.

14 (c) A tri-vision sign, except that a tri-vision sign may not be illuminated by any flashing, inter-
 15 mittent, revolving, rotating or moving lights.

16 **(d) A digital billboard, only if the digital billboard:**

17 **(A) Is not illuminated by a flashing light or a light that varies in intensity;**

18 **(B) Does not create the appearance of movement;**

19 **(C) Does not operate at an intensity level of more than 0.3 foot-candles over ambient**
 20 **light as measured using a foot-candle meter at a distance determined by the Department of**
 21 **Transportation by rule;**

22 **(D) Is equipped with a light sensor that automatically adjusts the intensity of the**
 23 **billboard according to the amount of ambient light; and**

24 **(E) Is designed to either freeze the display in one static position, display a full black**
 25 **screen or turn off in the event of a malfunction.**

26 (4) Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays
 27 of light from being directed at any portion of the main traveled way of a state highway, or is of such
 28 low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor
 29 vehicle or otherwise to interfere with the operation thereof.

30 (5) Is located upon a tree, or painted or drawn upon a rock or other natural feature.

31 (6) Advertises activities that are illegal under any state or federal law applicable at the location
 32 of the sign or of the activities.

33 (7) Is not maintained in a neat, clean and attractive condition and in good repair.

34 (8) Is not able to withstand a wind pressure of 20 pounds per square foot of exposed surface.

35 (9) Is on a vehicle or trailer that is located on public or private property. This subsection does
 36 not apply to a vehicle or trailer used for transportation by the owner or person in control of the
 37 property.

38 **SECTION 3.** ORS 377.750 is amended to read:

39 377.750. (1) For the purpose of applying the spacing provided by subsection (2) of this section:

40 (a) Distances shall be measured lineally along the highway and parallel to the center line of the
 41 highway.

42 (b) A back-to-back sign, **digital billboard**, double-faced sign, V-type sign or tri-vision sign shall
 43 be considered one sign.

44 (c) Distance from an interchange shall be measured from a point departing from or entering onto
 45 the main traveled way.

(2) Except as provided in subsection (3) of this section, minimum spacing between outdoor advertising signs shall be:

Type of highway where erected	Minimum space between signs on same side of highway (in feet)	Minimum space from interchange (in feet)
Interstate Highway		
Inside cities	500	None
Outside cities	2,000	500
Freeway		
Inside cities	500	None
Outside cities	1,000	500
Other state highway		
Inside cities	100	None
Outside cities	500	None

(3) A nonconforming outdoor advertising sign in existence on May 30, 2007, may continue to deviate from the spacing limitations established in this section until the sign is reconstructed or relocated, at which time the sign shall comply with the spacing limitations established in this section.

SECTION 4. ORS 377.767 is amended to read:

377.767. A permit or a relocation credit shall be issued for the relocation of a permitted outdoor advertising sign lawfully located within a commercial or industrial zone in existence on May 30, 2007, if the site lease for the sign is terminated for any reason. The existing outdoor advertising sign may be relocated within any commercial or industrial zone if the new sign and the new site comply with ORS 377.700 to 377.840, and upon the following conditions:

(1) The outdoor advertising sign that is relocated may not have a sign size larger than that specified in the permit for the sign located on the site on which the lease was terminated. However, an outdoor advertising sign with 250 square feet or more of display surface on one side may be increased to the maximum size allowed by ORS 377.700 to 377.840 if the relocated sign is not visible from Interstate Highway 5, Interstate Highway 205, or Interstate Highway 84. A single-faced sign may be relocated as a back-to-back sign.

(2) The site for the relocated sign is not within the distances set forth below, on the same side of the highway, from a site from which an outdoor advertising sign was purchased pursuant to the provisions of ORS 377.700 to 377.840.

<u>Types of Highway</u>	<u>Distance in Either Direction from Site</u>
Interstate	2,000 feet
Freeway	1,000 feet

1 Other State Highway 500 feet
2
3

4 (3) If an outdoor advertising sign is relocated within a commercial or industrial zone that first
5 came into existence after January 1, 1973, the site shall be within 750 feet of a developed commer-
6 cial or industrial area, as measured parallel to the centerline of the highway. For purposes of this
7 subsection, “developed commercial or industrial area” includes only the land occupied by a building,
8 parking lot, storage area or processing area of a commercial or industrial use and on the same side
9 of the highway.

10 (4) A permit may not be issued to relocate an outdoor advertising sign more than 100 miles from
11 the existing site of the sign as of May 30, 2007, as measured along public streets, roads or highways
12 between that site and the proposed new site. For relocation credits that exist as of May 30, 2007,
13 a permit may not be issued to relocate an outdoor advertising sign more than 100 miles from the
14 existing site of the sign as of September 1, 1977, as measured along public streets, roads or highways
15 between that site and the proposed new site.

16 (5) Outdoor advertising signs may not be relocated to a scenic byway. If a portion of a highway
17 is no longer designated as a scenic byway, as provided by state and federal law, an outdoor adver-
18 tising sign may be relocated to that portion subject to ORS 377.700 to 377.840 and 377.992 and any
19 other limitations provided by law.

20 *[(6) If the outdoor advertising sign being relocated is relocated as a tri-vision sign, the applicant*
21 *shall obtain three equivalent permits or relocation credits and the sign must meet all requirements of*
22 *this section.]*

23 *[(7) If the outdoor advertising sign being relocated is relocated as a back-to-back tri-vision sign or*
24 *V-type tri-vision sign, the applicant shall obtain six equivalent permits and the sign must meet all re-*
25 *quirements of this section.]*

26 **SECTION 5. This 2011 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
28 **on its passage.**